City of Miami Beach - City Commission Meeting Commission Chambers, 3rd Floor, City Hall 1700 Convention Center Drive December 8, 2004

Mayor David Dermer Vice-Mayor Simon Cruz Commissioner Matti Herrera Bower Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross Commissioner Jose Smith Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez City Attorney Murray H. Dubbin City Clerk Robert E. Parcher

Visit us on the Internet at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 9:00 a.m. Inspirational Message, Pledge of Allegiance Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports

C4 Commission Committee Assignments

C6 Commission Committee Reports

C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports

R5 Ordinances

R7 Resolutions

R9 New Business and Commission Requests

R10 City Attorney Reports

Reports and Informational Items



"We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community."

PA - Presentations and Awards

- PA1 Presentation Of Family Pool Passes, To The Winners Of The Parks And Recreation Department's "Name The Mascot Contest." (Page 2) (Parks & Recreation)
- PA2 Certificates Of Appreciation To Be Presented To Miami-Dade County Commissioners Sally Heyman And Bruno Barreiro For Their Efforts In Partnering With The City Of Miami Beach On The 2004 Building Better Communities G.O. Bond Program.

 (City Manager's Office)
- PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of October, November And December 2004.

 (City Manager's Office)

CONSENT AGENDA

Action: Moved: Seconded: Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Award A Contract To TM Systems, Llc., As The Sole Source Provider For Spanish Language Translation And Subtitling Services At An Estimated Cost Of \$100,000 For FY 2004/2005. (Page 5)
 - (City Clerk's Office)
- C2B Request For Approval To Award A Contract To F.X.P. Corporation, Pursuant To Invitation To Bid No. 44-03/04, For The Installation Of Back-Up Air Conditioning Units, And The Replacement Of Existing Units, At The Public Safety Communications Unit And Information Technology Department In The Amount Of \$142,000. (Page 10)

 (Public Works)

C4 - Commission Committee Assignments

C4A Referral To The Planning Board - Request From The Collins Park Neighborhood Association. (Page 16)

(Requested by Commissioner Jose Smith)

C4 - Commission Committee Assignments (Continued)

- C4B Referral To The Finance And Citywide Projects And The Land Use And Development Committees Discussion Regarding Automated External Defibrillators (AED's). (Page 18)
 (Requested by Commissioner Jose Smith)
- C4C Referral To The Finance And Citywide Projects Committee To Analyze Future Uses And Economic Impact Of The Jackie Gleason Theater. (Page 30)

 (Requested by Mayor David Dermer)
- C4D Referral To The Finance And Citywide Projects Committee Regarding The Miami City Ballet Ground Lease And Request To Consent To Leasehold Mortgage. (Page 32) (City Manager's Office)

C6 - Commission Committee Reports

- C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of November 3, 2004: 1)
 Discussion Regarding An Ordinance Revising The Regulation And Administration Of Newspaper
 Racks; 2) Discussion Regarding An Ordinance Proposing Limits On Live-A-Boards And Houseboats;
 3) Discussion Regarding An Ordinance Regulating Swales; 4) Discussion Regarding Special Event
 Guidelines Revisions; 5) Discussion Regarding A Resolution Authorizing The Issuance Of A Request
 For Proposals (RFP) To Manage And Operate The Log Cabin Training Facility; And 6) Discussion
 Regarding A Resolution Regarding Condominium Worker's Rights To Form, Join Or Assist Labor
 Organizations Without Interference By Their Employers. (Page 35)
- C6B Report Of The Joint Land Use And Development Committee/Finance & Citywide Projects Committee Meeting Of Monday, November 8, 2004: 1) Discussion Regarding Single Family Residential Review Board Amendments; 2) Discussion Regarding Single Family Ad Valorem Tax Exemption; And 3) Discussion Regarding La Gorce Golf Course And The Conveyance Of Easement To The Adjoining Single Family Property Owners. (Page 41)
- C6C Report Of The Finance And Citywide Projects Committee Meeting Of November 23, 2004: 1)
 Discussion On The Professional Services Agreement For Federal Legislative Services; 2) Discussion
 Regarding The RDP Royal Palm Hotel; 3) Discussion Regarding The Greater Miami Convention And
 Visitors Bureau (GMCVB) Contract Negotiations; And 4) Discussion Regarding The Donation Of
 Leave To A Deceased Employee's Dependent Beneficiary. (Page 43)

C7 - Resolutions

- C7A A Resolution Appropriating Funds, In The Amount Of \$160,000, For A Change Order To Tarafa Construction, Inc., For Additional General Conditions And Time Extension Costs On The 42nd Street Parking Garage, And Approving Final Closeout Of The Project And Completion Of The Final Certificate Of Occupancy For The Building. (Page 50)

 (Capital Improvement Projects)
- C7B Appointment Of Chief Special Master (Page 65)
 - 1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing January 1, 2005, And Ending June 30, 2005, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98- 22777 Concerning The Compensation And Duties Of The Chief Special Master.
 - 2. A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing January 1, 2005, And Ending June 30, 2005, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerk's Office)

A Resolution Setting The First Public Hearing, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act, On Wednesday, January 12, 2005, To Consider Approving, On First Reading, A Proposed Development Agreement Between The City Of Miami Beach And AR&J SOBE, Llc (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton," Containing Approximately 179,000 Square Feet Of Retail Area And A Supermarket; An Approximate 1070 Space Parking Garage; Park-And-Ride Transit Facility, Including An Intermodal/Transportation Component, And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On East, Alton Road On West, 6th Street On North And 5th Street On The South, In Miami Beach. (Page 76)

(City Manager's Office)

C7D A Resolution Supporting Condominium Workers' Legally Protected Right To Form, Join, Or Assist Labor Organizations Without Fear Of Reprisals, Discrimination, Coercion, Or Interference By Their Employers. (Page 83)

(Labor Relations/Requested by Commissioner Matti Herrera Bower)

C7 - Resolutions (Continued)

C7E A Resolution Amending The One Year Action Plan For Federal Funds For Fiscal Years 1999/2000, 2000/2001, 2001/2002, And 2004/2005 To Reprogram Prior Year Community Development Block Grant (CDBG) Funds, In The Amount Of \$102,862, For The Acquisition And Expansion Of The Miami Beach Community Health Center, As Described In Exhibit I Hereto; And Further Authorizing The Mayor And City Clerk To Execute The Related Agreements For The Reallocation Of The Aforementioned Funds. (Page 86)

(Neighborhood Services)

- C7F Temporary And Provisional Parking Lots Standards
 - A Resolution Setting A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending The Land Development Regulations Of The City Code, Chapter 130 "Off-Street Parking," Article III, "Design Standards," By Amending Section 130-70 "Temporary Parking Lot Standards;" And Section 130-71 "Provisional Parking Lot Standards" By Clarifying Existing Regulations, Prohibiting Provisional Lots In The R-PS1 Through 3 Residential Performance Standards Zoning Districts, And Modifying Landscaping Standards. (Page 95) (Planning Department)
- C7G Evaluation And Appraisal Report Resolution

A Resolution Requesting That Florida Department Of Community Affairs (DCA) Delegate The Review Of The Evaluation And Appraisal Report (EAR) Review To The South Florida Regional Planning Council (SFRPC), Pursuant To The Provisions Of Florida Statutes Section 163.3191(8). (Page 100)

(Planning Department)

- C7H A Resolution Approving And Authorizing The Appropriation Of \$174,567 From The Miami Beach Share Of The County's Fiscal Year 2003-04 Peoples' Transportation Plan (PTP) Funds, For The Milling And Resurfacing Of Harding Avenue, From 72nd To 67th Streets, And Byron And Carlyle Avenues, From 72nd Street To Indian Creek Drive; And Further Authorizing The Issuance Of A Work Order Number For Project Construction. (Page 103)

 (Public Works)
- C7I A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Supplemental Joint Participation Agreement No. 3 Between The Florida Department Of Transportation And The City, Awarding \$50,000 In FY 2004-05 Transit Development Program Funds For The Local Shuttle Service; Appropriating Such Funds As Part Of The FY 2004-05 Shuttle Operating Budget; And Further Reducing By \$50,000 The Parking Fund Contribution To The Same Budget. (Page 108)

(Public Works)

C7 - Resolutions (Continued)

- C7J A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (HOME) Program Agreement With The Miami Beach Community Development Corporation (MBCDC) Providing \$595,000 Of Fiscal Year 2003/04 Home Program Set Aside Funds And \$505,000 Fiscal Year 2003/04 Home Program Income Funds For The Acquisition Of The Villa Maria Apartments, Located At 2800 Collins Avenue, Miami Beach, To Provide 34 Rental Units For Income Eligible Participants In Accordance With The Home Program Requirements. (Page 119) (Neighborhood Services)
- C7K A Resolution Authorizing The Appropriation And Expenditure Of \$45,000 From Resort Tax Funds In Support Of The 2004-2005 New Year's Celebration. (Page 124)

 (City Manager's Office)

End of Consent Agenda

PA

PA - Presentations and Awards



- PA1 Presentation Of Family Pool Passes, To The Winners Of The Parks And Recreation Department's "Name The Mascot Contest."

 (Parks & Recreation)
- PA2 Certificates Of Appreciation To Be Presented To Miami-Dade County Commissioners Sally Heyman And Bruno Barreiro For Their Efforts In Partnering With The City Of Miami Beach On The 2004 Building Better Communities G.O. Bond Program.

(City Manager's Office)

PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of October, November And December 2004.

(City Manager's Office)

AGENDA ITEM PA1-3
DATE 12-8-09

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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Request for approval to award a contract to TM Systems, LLC., as the sole source provider for Spanish language translation and subtitling services at an estimated annual cost of \$100,000.

Issue:

Shall the City Commission award a contract to TM Systems, LLC. for Spanish language translation and subtitling services?

Item Summary/Recommendation:

The Administration recommends approving the award.

Advisory Board Recommendation:

On February 9, 2004, the Hispanic Affairs Committee was asked to review and comment on both the real-time SAP translation and subtitling translation. As a result of the Hispanic Affairs Committee survey, the Administration will review the real-time English to Spanish interpreter service.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1	\$100,000	City Clerk's Office Budget	
	2			
	3			
	4			
Finance Dept.	Total	\$100,000		

City Clerk's Office Legislative Tracking:

Robert E. Parcher, City Clerk

Sign-Offs:

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Department Director Assistant City Man	ager City Manager
Rep of	June
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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

REQUEST FOR APPROVAL TO AWARD A CONTRACT TO TM SYSTEMS,

LLC., AS THE SOLE SOURCE PROVIDER FOR SPANISH LANGUAGE TRANSLATION AND SUBTITLING SERVICES AT AN ESTIMATED COST

OF \$100,000 FOR FY 2004/2005.

ADMINISTRATION RECOMMENDATION

Approve the award.

AMOUNT AND FUNDING

\$100,000 Funding is available in the City Clerk's Office Budget.

ANALYSIS

In September 2002, the City of Miami Beach awarded a contract to Language Speak, Inc., pursuant to Bid No. 42-01/02 for simultaneous Spanish language interpreters. The interpreters translate in real-time and is available to the TV viewing public via the Second Audio Playback (SAP) feature which is available on most TV sets. Public feedback regarding the quality of the translation has varied. It is extremely difficult for one translator to translate in real-time, the Mayor and six Commissioners, the City Manager and City Attorney, the City Clerk, and other speakers. In addition, the English words used in transacting government business can be difficult to translate if given an adequate amount of time. Having to translate the words almost instantaneously is, at best, extremely difficult.

As a way to improve communications between the City and its Spanish speaking residents, the Administration, beginning with the Commission meeting in October 2003, tested TM Systems services which utilizes its Emmy Award-winning technology to translate the City Commission meeting from English to Spanish and provide the City with a digital version of the meeting with Spanish subtitles. The technology is the only one of its kind that provides the ability to translate and to subtitle large volumes of dialogue and text in minimal turnaround time with accuracy and efficiency. TM Systems digitizes the City's Commission meeting videos, translates all voices, subtitles the translations, and returns a complete subtitled video within 48 hours.

On February 9, 2004, the Hispanic Affairs Committee reviewed and commented on both the real-time SAP translation and subtitling translation. Two evaluation tapes of an actual Commission meeting were produced. One tape contained the translation using the real-time SAP and the other tape contained the subtitled translation.

1

Before viewing the evaluation SAP tape, seventy-five percent (75%) of the Hispanic Affairs Committee indicated they have used the SAP feature to view live Miami Beach Commission meetings. When asked if the SAP translation provides an accurate translation of the Commission meeting, fifty percent (50%) indicated "some of the time." After viewing the evaluation tape with the SAP Spanish language real-time translation, fifty percent (50%) rated the comprehension as poor and the other fifty percent (50%) rated comprehension below average. Regarding accuracy of the real-time translation, fifty percent (50%) rated it poor, and fifty percent (50%) rated it below average. The comments of the Hispanic Affairs Committee on the SAP translation were: "The translation was slow, difficult to follow and inaccurate. It is a valuable thing to have; however, it must be accurate, animated and easy to follow. The City discontinued this service.

Before viewing the subtitled evaluation tape, one hundred percent (100%) of the Hispanic Affairs Committee members responded that the Spanish language subtitling was very valuable. After viewing the subtitled evaluation tape one hundred percent (100%) rated the comprehension of the subtitling as very good and one hundred percent (100%) rated the accuracy of the translation as very good. The Committee's comments on the subtitling were: "The replay translation is difficult to read, perhaps another font or color is recommended for ease on the eye. They like the idea of reading the translation over the voice because it can help those that are learning Spanish too since they get both at one time."

The cost to digitize, translate, subtitle, and provide the City with a subtitled tape is \$11 a minute. An average nine hour City Commission meeting will cost \$5,940. In any year there are between 14 and 16 scheduled Commission meetings. The annual expenditure using the average of a 9-hour Commission meeting will be between \$84,000 and \$95,000, not including special Commission meetings. The project will be funded out of the City Clerk's budget.

As a result of the Hispanic Affairs Committee survey, the Administration will review the realtime English to Spanish interpreter service.

CONCLUSION

Pursuant to Section 2-367(c) of the City Code, the Administration recommends approval to award a contract to TM Systems, LLC, in an amount not-to-exceed \$100,000 for FY 2004/05.

JMG:REP

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Ken Lorber CEO

December 2, 2004

Robert Parcher City of Miami Beach 1700 Convention Center Drive Miami Beach, FL. 33139

RE: Ongoing subtitling services for City meetings

It has been a pleasure to provide Spanish subtitling services, for rebroadcast of City Commission meetings over the past year. This is a service that can only be provided by TM SYSTEMS, utilizing its trademarked Emmy Award Winning technology. This technology remains the only one of its kind, providing the ability to translate and subtitle large volumes of dialogue and text in minimal turnaround time.

TM SYSTEMS will continue its arrangement to pick up meeting videotapes directly from City Hall, digitize those videos to CD and translate all voices, subtitle the translations and return the completed subtitled video within 48 hours, returning the videos directly to City Hall for broadcast. Only the technology offered by TM SYSTEMS could allow for such quick turnaround, with accuracy and efficiency that never before has been available.

Additionally, since all the work is digitized it can be saved on your in house server and maintained as an asset indefinitely for the City, its residents and its businesses.

Since October of 2003, when "tests" were conducted for the project, the City has had the ability to regularly advertise and market the second language rebroadcasts on a regularly scheduled basis.

The City of Miami Beach was the first city in the country to offer exact translation of its Commission meetings to its constituents, utilizing the TM SYSTEMS technology.

Again, it has been a pleasure to serve the City of Miami Beach in offering the unique TM SYSTEMS technology, now a worldwide industry standard.

Sincerely,

Ken Lorber



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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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Request for Approval to Award a Contract to F.X.P. Corporation, Pursuant to Invitation to Bid No. 44-03/04, for the Installation of Back-Up Air Conditioning Units, and the Replacement of Existing Units, at the Public Safety Communications Unit and Information Technology Department in the Amount Of \$142,000.

Issue:

Shall the City Commission Approve the Award of Contract to F.X. P. Corporation?

Item Summary/Recommendation:

The work specified in this bid consists of furnishing all labor, machinery, tools, means of transportation, supplies, equipment, materials, and services necessary for the HVAC renovations for three air conditioning projects in two City locations: purchase and installation of air conditioning back-up units at the Public Safety Communications Unit (PSCU) and Information Technology (IT) Department; replacement of existing main air conditioning units at PSCU and IT Department; and the air handler unit replacement for the Scott Rakow Youth Center.

The lowest and best bid for the back-up unit installation, and the main unit replacement at PSCU and IT was received from F.X.P. Corporation. The City did not receive any bids for the Scott Rakow Youth Center Air Handler Unit Replacement. This contractor has been in business for 9 years as a mechanical contractor. F.X.P. successfully completed the 10th Street Ocean Front Auditorium HVAC renovations in April 2003 in the amount \$130,000.

APPROVE THE AWARD OF CONTRACT.

N/A

Financial Information:

Source of		Amount	Account	Approved
Funds:	1	\$142,000.00	Property Management Account 520.1720.000674	
	2			
	3			
/ 8	4			
Finance Dept.	Total	\$142,000.00		

City Clerk's Office Legislative Tracking:

Gus Lopez, Ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager	
GLFB_F/	RCM	JMG 2	

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AGENDA ITEM <u>C2B</u>

DATE <u>12-8-04</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

REQUEST FOR APPROVAL TO AWARD A CONTRACT TO F.X.P.

CORPORATION PURSUANT TO INVITATION TO BID NO. 44-03/04, FOR THE INSTALLATION OF BACK-UP AIR CONDITIONING UNITS, AND THE REPLACEMENT OF EXISTING UNITS, AT THE PUBLIC SAFETY COMMUNICATIONS UNIT AND INFORMATION

TECHNOLOGY DEPARTMENT IN THE AMOUNT OF \$142,000.

ADMINISTRATION RECOMMENDATION

Approve the Award of contract.

BID AMOUNT AND FUNDING

\$142,000 Funds are available from Property Management Account 520.1720.000674

ANALYSIS

Invitation to Bid No. 44-03/04 (the "Bid") was issued on August 27, 2004, with an opening date of October 28, 2004. BidNet issued bid notices to 21 prospective bidders. Additionally, the Procurement Division sent the bid announcement to a list of supplemental bidders, thus inviting another 10 prospective bidders. The notices resulted in the receipt of two (2) bids. A third bid was received past the deadline, therefore determined non-responsive and returned unopened to the bidder.

The work specified in this bid consists of furnishing all labor, machinery, tools, means of transportation, supplies, equipment, materials, and services necessary for the HVAC renovations for three air conditioning projects in two City locations: purchase and installation of air conditioning back-up units at the Public Safety Communications Unit (PSCU) and Information Technology (IT) Department; replacement of existing main air conditioning units at PSCU and IT Department; and the air handler unit replacement for the Scott Rakow Youth Center. Contractor shall furnish and install new air conditioning units, support frames, duct work canvas connectors, controls, electrical, plumbing, duct smoke detectors, engineering drawings and permits necessary to successfully complete the work.

Commission Memo December 8, 2004 ITB 44-03/04

The lowest and best bid for the back-up unit installation, and the main unit replacement at PSCU and IT was received from F.X.P. Corporation. The City did not receive any bids for the Scott Rakow Youth Center Air Handler Unit Replacement. This contractor has been in business for 9 years as a mechanical contractor. F.X.P. successfully completed the 10th Street Ocean Front Auditorium HVAC renovations in April 2003 in the amount \$130,000.

The Procurement Division obtained favorable references from the following agencies:

- Florida International University
- AFCO Constructors
- Padula & Wadsworth
- JCM Development

The Contractor will procure Performance and Payment Bonds, each in the amount of 100% of the contract price. The back-up units shall be installed first. The back-up unit project shall be substantially completed within **fifteen (15)** calendar days from the <u>issuance</u> of the <u>second</u> Notice to Proceed and completed and ready for final payment within **seven (7)** calendar days from the date certified by the Project Manager as date of Substantial Completion. After installation of these units is complete, the replacement of the existing units shall commence. The main unit project shall be substantially completed within **fifteen (15)** calendar days from the <u>issuance</u> of the <u>second</u> Notice to Proceed and completed and ready for final payment within **seven (7)** calendar days from the date certified by the Project Manager as date of Substantial Completion.

RECOMMENDATION

Based on the analysis of the bids received, it is recommended that the City award the contract to the lowest and best bidder, **F.X.P. CORPORATION**.

BID TABULATION

VENDOR NAME	Back-Up Units	Main Units	Bid Total	
F.X.P. Corporation	\$ 87,000	\$ 55,000	*\$ 142,000	
Master Mechanical Service Inc.	\$ 144,000	\$ 96,830	*\$ 240,830	

^{*}The significant disparity between the aforementioned bidders' pricing is based on the following:

- 1. Both bidders' AC units met the specifications of the bid. However, F.X.P bid Carrier AC equipment while Master Mechanical bid Trane. Trane equipment is more expensive than Carrier.
- 2. The labor cost for the electrical work is much higher with Master Mechanical than F.X.P. Corporation. F.X.P. has an electrical engineer on staff that can produce mechanical engineering drawings, while Master Mechanical has to "contract out" the engineering drawings to an Engineering firm.

Commission Memo December 8, 2004 ITB 44-03/04

3. F.X.P. has successfully completed a similar project, the 10th Street Ocean Front Auditorium HVAC renovations at a cost of \$130,000. Therefore, F.X.P's bid is in line with the requirements of this Bid.

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RECEIVED

CITY OF MIAME BEACH OFFICE OF THE MAYOR & COMMISSION

MEMORANDUM

TO:

JORGE M. GONZALEZ

CITY MANAGER

FROM:

JOSE SMITH

COMMISSIONER

DATE:

November 9, 2004

RE:

REFFERAL TO PLANNING BOARD

I would like to refer the attached letter from the Collins Park Neighborhood Association to the Planning Board for discussion.

Thank you.

JS/els

Agenda Item CYA Date 12-8-04 Subj:

Request from Collins Park Neighborhood Association

Date:

11/8/04 11:17:58 AM Eastern Standard Time

From: To:

CC:

GaryKnight Lgator73 GaryKnight

Dear Commisioner Smith,

At the October meeting of the Collins Park Neighborhood Association, we considered the current Planning Staff's draft recommendations regarding entertainment districts. We discussed the changing circumstances in the area of our neighborhood north of 23rd Street through 27th Street. Roney Palace has closed its hotel, and are converting the entire property into residential condos. The Creek Hotel (formerly the Banana Bungalow) is becoming residential condominiums and townhomes. The Traymore Hotel has been sold and will become 14 residential condominiums. The remaining retail operations north of 23rd Streete through 27th Street include Avis and Alamo Auto Rental Stores, Bikini Factory clothing store, two clubs on the north side of 23rd close to Liberty Avenue (Nerve and Rain, both currently closed), a real estate office and a liquore store on the first floor of the Riviera Condominium at 24th Street, etc. None of these retail businesses represent any problems whatsoever for their residential neighbors, although the clubs, when open, have on occasion garnered some noise complaints from time to time.

The concern of our association is that Roney Palace has 100,000 square feet of retail space and some very vague plans about what to do with them. The Roney Palace Condo Association as well as the Collins Park Neighborhood Association are unanimous in their concern that this retail space not be permitted to extend club activities, restaurants with dancing to all hours of the night, etc, to this predominately residential area. For that reason, I have been empowered to ask you to sponsor zoning legislation in the city which would do the following things for this residential area north of 23rd Street to 27th Street:

- (1) incorporate the same prohibitions that now govern the area south of Fifth Street and the Sunset Harbor neighborhood recently adopted by the City Commission to prevent any future bar, nightclub, entertainment venue, whether indoor or outdoor on a pool deck or the like, to be opened in the area.
- (2) provide no 5 a.m. operational licenses of any kind to restaurants that may in the future be permitted to operate north of 23rd Street in any retail location.
- (3) prohibit restaurants from operating after 1 a.m. in the neighborhood.

We believe that providing these protections to this area will appropriately support retail businesses that will not operate with negative impacts on the residents and prevent further encroachment of the "entertainment" areas into residential neighborhoods creating only more conflict between residents and entertainment venues.

We further request that the Commission consider carefully the kinds of developments that are to be permitted around the Collins Park Cultural Center. This is the only area of the City where we have the opportunity of developing a "cultural heart" for Miami Beach that would be distinctly different from the rest of South Beach's entertainment domains. If that area has further encroachments by more entertainment venues, then we place the cultural heart at risk. As a group, we are not certain what the right zoning solution is for the area, but wanted to make you aware that this area is especially fragile: it can become ringed by cultural venues like bookstores and art galleries, etc. which would integrate nicely with the Cultural Center, or it could just become another place that is dead in the daytime and busy at night with clubs and bars. We believe the City needs more of the former in the area is to sustain itself culturally.

Thanks for considering our thoughts and we hope you will sponsor legislation to protect the area north of 23rd Street and consider protective legislation for the Collins Park area.

Sincerely,

Gary Knight
President
Collins Park Neighborhood Association

C: CMC Trish Gomer Lilia

RECEIVED 2004 NOV 17 AMII: 06

CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION

MEMORANDUM

TO:

JORGE M. GONZALEZ

CITY MANAGER

FROM:

JOSE SMITH

COMMISSIONER

DATE:

November 12, 2004

RE:

AUTOMATED EXTERNAL DEFIBRILLATORS

I would like to refer to the Finance and Citywide Projects Committee as well as the Land Use a discussion regarding automated external defibrillators (AED's). An AED is a computerized medical device that can check a person's heart rhythm. It can recognize a rhythm that requires a shock and can advise the rescuer when a shock is needed. The AED uses voice prompts, lights and text messages to tell the rescuer exactly what steps to take. These devices have proven to be extremely effective and are relatively inexpensive.

According to the American Heart Association, every year 460,000 deaths arise in the United States from sudden cardiac arrest. Sudden cardiac arrest (SCA) occurs when the lower chambers of the heart (the ventricles) suddenly stop beating normally and develop ventricular fibrillation (VF). A defibrillator is the only known device/technique that allows the heart to re-pace itself to a normal rhythm. Utilizing a defibrillator increases the odds of survival from 5% with just CPR to as much as 80% if a Defibrillator is placed on the patient within a few minutes of Sudden Cardiac Arrest.

The American Heart Association strongly encourages all EMS first response vehicles and ambulances be equipped with an AED or other defibrillation device. They also support placing AED's in heavily populated public areas such as restaurants, shopping malls, office buildings. Many municipalities have enacted ordinances requiring that AED's be placed in large buildings. I am attaching ordinances from Weston and Coral Springs. I believe it is imperative that the City of Miami Beach take similar steps to ensure the safety of our residents and tourists.

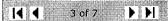
Agenda Item <u>CYB</u>

Date 12-8-0Y

I would like the City Administration along with the City Attorney's office to draft an ordinance similar to the ones passed in Weston and Coral Springs to be presented at a joint meeting of the Finance Committee and the Land Use Committee.

Thank you.

JS/els



ORDINANCE NO. 2004-125

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA, AMENDING CHAPTER 7 ENTITLED "FIRE PREVENTION CODE" BY CREATING ARTICLE XXII ENTITLED "LIFE SAFETY"; TO PROVIDE FOR AUTOMATED EXTERNAL DEFIBRILLATORS, INCLUDING PROVIDING A **DEFINITION FOR AUTOMATED EXTERNAL** DEFIBRILLATORS, REQUIRING AUTOMATED EXTERNAL DEFIBRILLATORS IN CERTAIN BUILDINGS; PROVIDING FOR INSTALLATION AND **OPERATION: PROVIDING FOR INSPECTION AND** PERMIT FEES FOR THE INSTALLATION AND PROVIDING FOR PENALTIES; PROVIDING FOR **CONFLICTS; PROVIDING FOR CODIFICATION;** PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City's existing Code for regulating the health, safety, and general welfare does not recognize that there are devices that may be desirable to provide emergency medical treatment to City residents at certain buildings; and

WHEREAS, it is in the best interest of the citizens of Coral Springs that the following requirements to the regulations governing the general welfare of City residents be adopted.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Chapter 7 of the Code of Ordinances of the City of Coral Springs shall be amended to read as follows:

[4 4 of 7]]

Article XXII Life Safety

Sec. 7-201. Automated External Defibrillators

(1) Definition of Automated External Defibrillators

AUTOMATED EXTERNAL DEFIBRILLATOR DEVICE. A defibrillator device that 1) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act, 2) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed, and 3) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

- (2) Intent
 - (A) It is the intent of the City and the purpose of this Chapter:
- 1. To promote the public health, safety, and general welfare by requiring the installation of Automated External Defibrillator devices within certain buildings in the City:
- 2. To provide for the inspection of each Automated External Defibrillator device within the City; and
 - 3. To provide for the payment of Automated External Defibrillator inspection fees.
- (3) Automated External Defibrillator Devices Required
- (A) <u>Automated External Defibrillator devices shall be installed in the following buildings located within the geographical boundaries of the City:</u>
- 1. Gymnasiums, fitness centers and indoor recreational centers in excess of 1,500 feet;
 - 2. Restaurants with 100 or more seats including indoor, outdoor and bar;
 - 3. All hotels and motels.
- 4. <u>Assisted Living Facilities as defined by Section 400.402, Florida Statute as amended from time to time.</u>
- (4) Installation and Operation
- (A) The City shall inspect all Automated External Defibrillator devices for operation prior to being placed in service or available for use, and on an annual basis.
 - (B) Automated External Defibrillator devices shall be:

[4 4 5 of 7 | **)** |

- (1) Conspicuously located in plain view of the primary public entrance, with unobstructed access;
- (2) <u>Housed in a cabinet with a clear window in the door, an audible alarm</u> signaling the opening of a door, permanently affixed to a wall, and whose top is no more than forty-eight inches above the floor;
- (3) <u>Located below a sign having a minimum area of seventy square inches and containing the letters "AED" and the universally recognizable symbol, which shall be placed no more than sixty inches, on center, above the floor;</u>
- (4) <u>Readily accessible and immediately available when needed for on-site</u> employees and the general public, including disabled persons; and
- (5) <u>Placed near the elevator(s)</u> in the first floor lobby, if the building contains an elevator.
- (C) <u>Automated External Defibrillator devices shall contain adult and pediatric pads and</u> bandage scissors.
- (D) <u>All Automated External Defibrillator devices shall be used in accordance with the manufacturer's guidelines.</u>
 - (E) It shall be the responsibility of the owner of the building to:
 - (1) Install Automated External Defibrillator devices.
 - (2) Provide all necessary training for appropriate use;
- (3) <u>Maintain Automated External Defibrillator devices in accordance with</u> manufacturer's recommended maintenance requirements and as required herein.
- (F) If an Automated External Defibrillator device is removed for repair, a replacement shall be provided.
- (5) Fees

Fees for Automated External Defibrillator device permits and inspections shall be set by Resolution.

[**4 6** of 7 **▶ ▶**]

(6) Penalties

It shall constitute a violation of the City Code, punishable as provided in §1-8.1, to intentionally or willfully:

- (A) Render an Automated External Defibrillator device inoperative except during such time as the Automated External Defibrillator device is being serviced, tested, repaired, or recharged, except pursuant to court order;
- (B) Obliterate the serial number on an Automated External Defibrillator device for purposes of falsifying service records;
- (C) <u>Improperly service</u>, recharge, repair, test, or inspect an Automated External Defibrillator device;
 - 1. Use the inspection certificate of another person; or
- 2. <u>Hold an inspection certificate and allow another person to use said inspection</u> certificate number.

(7) Applicability

The owner of any existing building required to have an Automated External Defibrillator device shall comply with this section within 180 days of the effective date of this Ordinance. After the effective date of this ordinance, the owner of any new building constructed required to have an Automated External Defibrillator device shall comply with this section.

Section 3. Conflicts.

That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. Codification.

It is the intention of the City Commission of the City of Coral Springs, that the provisions of this Ordinance shall become and made a part of the Charter of the City of Coral Springs, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

[4 4 7 of 7]	

Section 5. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date.

This Ordinance shall become	effective upon adoption b	y the City Commission. This
Ordinance shall automatically "sunset	" one year from the effec	tive date of same.
PUBLISHED the day of		, 2004.
PASSED FIRST READING the	day of	, 2004.
PASSED SECOND READING the _	day of	, 2004.
	CITY OF CORAI	L SPRINGS FLORIDA
ATTEST:	RHON ERNEST-	JONES, MAYOR
PETER M.J. RICHARDSON, CRM,	CITY CLERK	
Unanimous Motion/2nd Mayor Ernest-Jones Commissioner Brook Commissioner Calhoun	Yes No	

ORDINANCE NO. 2004-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, AMENDING CHAPTER 12, "DEFINITIONS," OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR "AUTOMATED EXTERNAL DEFIBRILLATORS"; BY CREATING CHAPTER 101, "AUTOMATED EXTERNAL DEFIBRILLATORS;" TO REQUIRE AUTOMATED EXTERNAL DEFIBRILLATORS AT CERTAIN BUILDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's existing Code for regulating the health, safety, and general welfare does not recognize that there are devices that may be desirable to provide emergency medical treatment to City residents at certain buildings; and

WHEREAS, the City has received a number of requests to require Automated External Defibrillator devices at certain buildings to provide emergency services for City residents that may need assistance for cardiac arrest; and

WHEREAS, it is in the best interest of the citizens of Weston that the following requirements to the regulations governing the general welfare of City residents be adopted.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

Section 1. The foregoing Whereas clauses are ratified and incorporated as the legislative intent and factual findings underlying this Ordinance.

Section 2. Amendment to Chapter 12.

Chapter 12, "Definitions" of the Code of Ordinances of the City of Weston is amended by creating a new term to read as follows:

AUTOMATED EXTERNAL DEFIBRILLATOR DEVICE. A defibrillator device that 1) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act, 2) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed, and 3) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

Section 3. Creation of Chapter 101

Chapter 101, "Automated External Defibrillators" of the Code of Ordinances of the City of Weston is created to read as follows"

Chapter 101: AUTOMATED EXTERNAL DEFIBRILLATORS

Section 101.01 Intent

It is the intent of the City and the purpose of this Chapter:

Coding: <u>underlined</u> words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

#26491 v3 - Ordinance 2004-10

Page 1 of 4

- (A) To promote the public health, safety, and general welfare by requiring the installation of Automated External Defibrillator devices within certain buildings in the City;
- (B) To provide for the inspection of each Automated External Defibrillator device within the City; and
 - (C) To provide for the payment of Automated External Defibrillator inspection fees.

Section 101.02 Automated External Defibrillator Devices Required

Automated External Defibrillator devices shall be installed in the following buildings located within the geographical boundaries of the City:

- (A) Places of public assembly as defined in the Florida Building Code;
- (B) Office buildings in excess of 20,000 square feet;
- (C) Gymnasiums, fitness centers and indoor recreational centers in excess of 1,500 square feet;
 - (D) Restaurants with 100 or more seats including indoor, outdoor and bar;
 - (E) Commercial and retail spaces in excess of 35,000 square feet; and
 - (F) All hotels and motels.

Section 101.03 Installation and Operation

- (A) The City shall inspect all Automated External Defibrillator devices for operation prior to being placed in service or available for use, and on an annual basis.
 - (B) Automated External Defibrillator devices shall be:
- (1) Conspicuously located in plain view of the primary public entrance, with unobstructed access;
- (2) Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of the door, permanently affixed to a wall, and whose top is no more than forty-eight inches above the floor;
- (3) Located below a sign having a minimum area of seventy square inches and containing the letters "AED" and the universally recognizable "AED" symbol, which shall be placed no more than sixty inches, on center, above the floor;
- (4) Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
- (5) Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.

Coding: <u>underlined</u> words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

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- (C) Automated External Defibrillator devices shall contain adult and pediatric pads and bandage scissors.
- (D) All Automated External Defibrillator devices shall be used in accordance with manufacturer's guidelines.
 - (E) It shall be the responsibility of the owner of the building to:
 - (1) Install Automated External Defibrillator devices;
 - (2) Provide all necessary training for appropriate use; and
- (3) Maintain Automated External Defibrillator devices in accordance with manufacturer's recommended maintenance requirements and as required herein.
- (F) If an Automated External Defibrillator device is removed for repair, a replacement shall be provided.

Section 101.04 Fees

Fees for Automated External Defibrillator device permits and inspections shall be set by Resolution.

Section 101.05 Penalties

- It shall constitute a violation of City Code, punishable as provided in §10.99, to intentionally or willfully:
- (A) Render an Automated External Defibrillator device inoperative except during such time as the Automated External Defibrillator device is being serviced, tested, repaired, or recharged, except pursuant to court order;
- (B) Obliterate the serial number on an Automated External Defibrillator device for purposes of falsifying service records;
- (C) Improperly service, recharge, repair, test, or inspect an Automated External Defibrillator device;
 - (D) Use the inspection certificate of another person; or
- (E) Hold an inspection certificate and allow another person to use said inspection certificate number.

Section 101.06 Applicability

The owner of any existing building required to have an Automated External Defibrillator device shall comply with this section within 180 days of the effective date of this Ordinance. After the effective date of this Ordinance, the owner of any new building constructed required to have an Automated External Defibrillator device shall comply with this section.

Coding: <u>underlined</u> words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

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Section 4. Codification.

It is the intention of the City Commission that the provisions of this Ordinance become and be made part of the City Code, and that the Sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section" or such other appropriate word or phrase to accomplish such intentions.

Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6. Conflict.

That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this ordinance are repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall become effective upon passage and adoption.

PASSED ON FIRST READING August 16, 2004.

PASSED AND ADOPTED ON SECOND READING September 13, 2004.

CITY COMMISSION
CITY OF WESTON, FLORIDA

Eric M. Hersh, Mayor

ATTEST:

Patricia A. Bates, City Clerk

Approved as to form and legality for the use of and reliance by the

City of Weston only:

Jamie Alan Cole, City Attorney

Roll Call:

Commissioner Stermer
Commissioner Bartleman

Commissioner Chermak Commissioner Herrera-Hill

Mayor Hersh

Yes Yes

Yes Yes

Yes

Coding: <u>underlined</u> words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

#26491 v3 - Ordinance 2004-10 Final

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CITY OF MIAMI BEACH OFFICE OF THE MAYOR & COMMISSION MEMORANDUM

TO:

JORGE M. GONZALEZ

CITY MANAGER/

FROM:

DAVID DERME

MAYOR

DATE:

NOVEMBER 18, 2004

RE:

AGENDA ITEM

Please place on the December 8, 2004 City Commission agenda a referral to the Finance Committee to analyze future uses and economic impact of the Jackie Gleason Theater.

Agenda Item <u>CYC</u>

Date <u>\(\lambda \cdot 8 - 04 \)</u>

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

REFERRAL TO FINANCE AND CITYWIDE PROJECTS COMMITTEE

REGARDING THE MIAMI CITY BALLET GROUND LEASE AND REQUEST

TO CONSENT TO LEASEHOLD MORTGAGE

ADMINISTRATION RECOMMENDATION

Refer the item.

ANALYSIS

The Miami City Ballet (MCB) has approached the City regarding its current Lease Agreement and existing provisions regarding Leasehold Mortgages and the City's required consent in connection therewith.

Pursuant to Article 13, Section 13.02 of the Ground Lease Agreement, dated April 13, 1994, between Miami City Ballet and the City of Miami Beach, the Ballet is seeking the Commission's authorization to secure a mortgage on its leasehold interest in its facility, located at 2200 Liberty Avenue. The Ballet's purpose in securing a mortgage is to consolidate and restructure its accumulated debt, pay down its aged payables, and create a cash reserve fund. A mortgage, payable to a single lender, would allow the Ballet to amortize its debt over a more manageable period of twenty years. Given the Ballet's current financial condition, time is of the essence in obtaining authorization to secure such a mortgage.

By way of background, the City entered into a Ground Lease Agreement with the MCB, for the Ballet's proposed headquarters currently located in Collins Park Cultural Campus in Miami Beach.

To date, there have been three (3) amendments to the Ground Lease: a First Amendment dated June 18, 1997; Second Amendment dated October 21, 1997; and Third Amendment, date January 6, 1999.

In 1999 the MCB negotiated a Leasehold Mortgage and Security Agreement with Suntrust Bank/Miami, in an amount up to \$4.5 million with a term of five (5) years. The City, pursuant to Resolution 99-23188, authorized the City Manager to execute the Estoppel Letter, Landlord's waiver of Lien and a Memorandum of Lease consenting to the Leasehold Mortgage and its conformance with the Lease terms. This loan has since been paid off.

Agenda Item CYD

Date 12-8-09

The MCB has approached the City requesting the City's consent to a new Leasehold Mortgage, the terms which have yet to be finalized.

As such, it is recommended that this request be discussed by the Finance Committee.

JMG/CMC/rar
T:\AGENDA\2004\Dec0804\Regular\MCB Referral to Finance.MEM.doc

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS

COMMITTEE MEETING HELD ON WEDNESDAY,

NOVEMBER 3, 2004.

A meeting of the Neighborhood/Community Affairs Committee was held on Wednesday, November 3, 2004 at 2:30 p.m. in the City Manager's Large Conference Room. Commissioners in attendance: Matti Herrera Bower, Richard L. Steinberg, and Saul Gross. City staff in attendance: Robert C. Middaugh, Assistant City Manager; Vivian P. Guzman, Director — Neighborhood Services; Fred Beckmann, Director — Public Works; Robert Halfhill, Assistant Director — Public Works; Jorge Gomez, Director — Planning Dept.; Ronnie Singer, Community Information Manager — CIP; Max Sklar, Assistant Director — Tourism and Cultural Development; Graham Winick, Film and Print Coordinator; Maria Ruiz, Division Director — Office of Community Services; Don Papy, Chief Deputy City Attorney; Raul Aguila, First Assistant City Attorney; Gary Held, First Assistant City Attorney; Debora Turner, First Assistant City Attorney; Esther Perez-Trujillo, Linette Nodarse, Lorna Mejia; and Randi MacBride. Others in attendance are listed in the attached sign-in sheet.

OLD BUSINESS

1. <u>DISCUSSION REGARDING AN ORDINANCE REVISING THE REGULATION AND ADMINISTRATION OF NEWSPAPER RACKS.</u>

The Administration returned with its recommendations regarding the number of newspaper racks to be placed at certain intersections and the color requirement. The Administration recommended only allowing newspaper racks to be placed at two diagonally opposed locations within an intersection, limiting the number to seven newspaper racks per location with a total maximum of fourteen newspaper racks per intersection where sidewalks are very wide (12 feet). The maximum allowable number of newspaper racks will range from ten to fourteen per intersection and will be dependant on the width of the sidewalk at that intersection. The recommended color of the newspaper racks is green.

Action: The Committee approved the recommendations and moved to bring the item to the full City Commission.

2. <u>DISCUSSION REGARDING AN ORDINANCE PROPOSING LIMITS ON LIVE-A-BOARDS AND HOUSEBOATS.</u>

Action: The Committee moved to bring this item back for further discussion with the Marine

Agenda Item C6A

Authority.

3. DISCUSSION REGARDING AN ORDINANCE REGULATING SWALES.

Action: The Committee moved to approve the language as amended and directed the Administration to circulate this item to the neighborhoods for public comment prior to bringing the final language to the full City Commission.

4. DISCUSSION REGARDING SPECIAL EVENT GUIDELINES REVISIONS.

Since the last time this item went before this Committee, staff has reviewed "best practices" in several comparable sized cities. Proposed changes include events on private property which mainly affect hotels; internal review procedures that have actually already begun to be instituted among other departments; external review procedures including the neighborhood review process; and fee schedule changes differentiating between "for profit" and "not for profit" producers and events on private and public property.

Action: The Committee moved to approve the guidelines as amended and to return with the rewrite incorporating changes made during the meeting to a future Neighborhood/Community Affairs Committee meeting.

NEW BUSINESS

5. <u>DISCUSSION REGARDING A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) TO MANAGE AND OPERATE THE LOG CABIN TRAINING FACILITY.</u>

Action: The Committee moved to proceed with the issuance of the Request for Proposals (RFP) and to include in the evaluation criteria a bonus for those willing to absorb the current staff at the site.

6. <u>DISCUSSION REGARDING A RESOLUTION REGARDING CONDOMINIUM WORKER'S RIGHTS TO FORM, JOIN OR ASSIST LABOR ORGANIZATIONS WITHOUT INTERFERENCE BY THEIR EMPLOYERS.</u>

Action: The Committee moved to take this item, after some language revision, to the full City Commission (Consent Agenda) as an expression of policy.

Attachments



NOVEMBER 3, 2004

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX /EMAIL	
Willia Sumplend		85.672.988		
Burry (Lotoller)		305 538-1422		·
Feeder a Alenso	Sw Senrince	6821 154 486		
HEGOS GODE:3UEZ	CAR AND TRUCK BYERS MOS	305-606-3900		
PAUL MILLER	USA TO DAY	954-663-8728	prmiller @ usa today. con	S.
Russell Danker	HEW Times	265-151-762	RUSELL Breita (@ MI am Haw Times. Co.	ew fra es. co
Lorge Gonez	Planing	750		
M. Kovallet KOVEOID	Home Curre	365.534.0557	365.534-0557 MRKRONGOLDECONSKIND	18 Kar
FRAME DEL VECCHO	30/ Octon Inive	305-672-2486	fromtdelikechio @att.net	الأو
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CAMPING LIBRIAN	Constructing Conten	r 867-0051	DADLIANZ CHOL!	Show,



NOVEMBER 3, 2004

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX /EMAIL
Hax Ska	TCD/CUB	9119	
Uncle Noders	TCD (CMB	4385	
Graham Winick	TED(CMS	23.59	
Nelissaniurohu	Britocontal	19155319821121 melissa obritta.	melissallorita
Jose Rucy	(74	7020	Andrews and the second and the secon
Maria Ruiz	Neighborhood Seviros	1661	leherhog
hampul minil	Nuithburhood Sucs.	LLoL	
THILL GONZAREZ	SEID LOCAL 11		
NORMA HUANA	7		
Eric Brakken	SEIU Local 11	305 672-7071	

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NOVEMBER 3, 2004

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX /EMAIL
Holasdo Falla	SE O	1404-2+9-205	
Ros SCHULEN	SEIU	101-119/202	
Mati Sound			
LOUNG MAIL	CUB/ BOWE.	tronx	
Joil Sol	Patts /Stal HEisa Hone Orman (305)347-6514	HS9-LHS(SE)	
Azend Steinbers	CMBC	305-673 7103	
Saul Gross	CMB	4016-673-71104	
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RAUL HOUIL A	D		

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NOVEMBER 3, 2004

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX /EMAIL
Deboley TURNER	CAMP.	·	
Don Apr.	(me		
GARY HELD.	CMB		
Beb Halfhill	CMB		
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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

REPORT OF THE JOINT MEETING OF THE LAND USE AND

DEVELOPMENT COMMITTEE AND THE FINANCE AND CITYWIDE

PROJECTS COMMITTEE OF NOVEMBER 8, 2004

A joint meeting of the Land Use and Development Committee and the Finance and Citywide Projects Committee was held on Monday, November 8, 2004 at 3:00 p.m. in the City Manager's Large Conference Room. The following were in attendance: Commissioners Matti Herrera Bower, Luis R. Garcia, Jr., Saul Gross, Jose Smith, and Richard L. Steinberg.

JOINT LAND USE/FINANCE & CITYWIDE

- 1. <u>DISCUSSION REGARDING SINGLE FAMILY RESIDENTIAL REVIEW BOARD</u> **AMENDMENTS.** Referred at the October 13, 2004 City Commission meeting.
- 2. <u>DISCUSSION REGARDING SINGLE FAMILY AD VALOREM TAX EXEMPTION.</u>
 Referred at the October 13, 2004 City Commission meeting.

The Joint Committee discussed the proposed Ordinance Amendments pertaining to the establishment of a Single Family Tax Abatement Program and Single Family Demolition Procedures.

The Joint Committee endorsed both Ordinances, with no changes to the Tax Abatement Ordinance and the following modifications to the Single Family Demolition Procedures Ordinance:

- The criteria for making a determination of architectural significance was slightly modified, in order to ensure that buildings are not determined to be architecturally significant if alterations are only reversible in an unreasonable manner.
- The appeal process for neighboring property owners has been modified by requiring that a subject single family home be posted at the time a request for a determination of architectural significance is made. This will put neighboring property owners on notice that the review process for a home has begun, which may potentially result in the demolition of the structure. A property owner within 375' of the subject property would then have 10 days from the rendering of a decision of the Planning Department to appeal such decision; a mail notice requirement was also added.
- The distinction between homes that are below and above minimum flood plain elevation has been eliminated; the rational behind this change was that virtually all homes constructed prior to 1942 are below minimum flood plain elevation and very

Agenda Item <u>C6/3</u>

Date /2-8-04

December 8, 2004
City Commission Memorandum
Land Use/Finance & Citywide Projects Committee - Report
Page 2 of 2

few are above it. Additionally, the review process for architecturally significant single family homes that are proposed to demolished has been transferred from the Single Family Residential Review Board (SFRRB) to the Design Review Board (DRB). The reason for this change was to simplify and streamline the review process and the DRB is the most logical Board for such review since they will be reviewing new construction on the site and the single family structures are not part of an historic district.

- The criteria for partial demolition that can be approved at the administrative level will be expanded to be consistent with criteria already in place within the Design Review and Historic Preservation sections of the City Code.
- The criteria for the DRB review of a demolition was moved to a different section of the Ordinance.
- The incentives proposed in the subject ordinance are proposed to be extended to all historic single family homes in the City.
- All appeals of the DRB under these regulations will go to a Special Master.

The proposal for limiting the lot coverage of new homes on a lot where an Architecturally Significant structure previously existed was discussed extensively. The Committees directed the administration to review recently approved single family homes to see how different size lots would be impacted by reductions in lot coverage. Some members of the Committee had suggested that the lot coverage requirement revert back to 35% and others suggested that it be reduced further to 25% or lower. The 30% figure appears to represent a reasonable compromise and the Administration is confident that is generally representative of the historic, built context. A modification has been made, however, with regard to one-story structures. Given the fact that a one-story structure is going to have far less of an impact on the established context of a single family neighborhood, the Administration is proposing that one-story new construction be permitted to have a lot coverage of 35%.

LUDC DISCUSSION ITEM

1. <u>DISCUSSION REGARDING LA GORCE GOLF COURSE AND THE CONVEYANCE OF EASEMENT TO THE ADJOINING SINGLE FAMILY PROPERTY OWNERS.</u> Referred at the October 13, 2004 City Commission meeting.

The Committee heard a presentation from representatives from the La Gorce Country Club as well as from several property owners adjacent to the golf course regarding the granting of an easement from the golf course to the owners. After discussing the issue, the Committee asked the presenters to return with additional information including surveys of existing encroachments and site plans of proposed additions that would be affected by the proposed easement.

JMG/CMC/JGG/TM/rar

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date.

Date: December 8, 2004

From:

Jorge M. Gonzalez

City Manager

Subject:

REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE

MEETING OF NOVEMBER 23, 2004.

A meeting of the Finance and Citywide Projects Committee was held on November 23, 2004 at 2:17 p.m. in the City Manager's Large Conference Room.

NEW BUSINESS

1. Discussion on the Professional Services Agreement for Federal Legislative Services.

ACTION

The Committee moved the item to the full Commission, recommending that the City:

- waive the competitive bidding process for the Professional Services Agreement for Federal Legislative Services; and
- authorize the Administration to negotiate a new agreement with the firm of Jorden, Burt, Berenson, and Johnson LLP (JBBJ)

City Manager Jorge M. Gonzalez and Economic Development Division Director Kevin Crowder introduced and summarized the item.

Mr. Gonzalez stated that the City Commission extended the Professional Services Agreement for Federal Legislative Services with the firm of JBBJ, for the period of one year from February 19, 2004, until February 18, 2005. Mr. Crowder added that this was the last extension option in their contract and there are no remaining provisions for renewal terms.

Mr. Gonzalez added that since the City's current Professional Services Agreement for Federal Legislative Services expires on February 18, 2005, the Administration is seeking guidance from the Committee as it relates to extension of the existing agreement or the issuance of a Request for Qualifications (RFQ) or a Request for Proposals (RFP).

Ms. Marilyn Thompson, from the firm of JBBJ, gave a presentation to the Committee outlining major accomplishments reached during the past year. Ms. Thompson also expressed JBBJ's desire to continue to represent the City in Washington D.C.

Mr. Gonzalez stated that if the City wishes to extend the agreement with JBBJ, a new contract can be negotiated and presented to the City Commission; however, competitive bidding would need to be waived. Mr. Gonzalez added that the City also has the option of issuing an RFQ or RFP.

Agenda Item

Date 12-8-04

Chairman Jose Smith stated that he is pleased with the relationship, performance and responsiveness of JBBJ.

Vice-Chairman Richard Steinberg asked what the initial process for JBBJ's Professional Services Agreement was.

Mr. Gonzalez replied that originally an RFQ was issued and another firm ranked slightly higher than JBBJ by minimal percentage points. Mr. Gonzalez added that the City Commission at that time, because of their experience and comfort with JBBJ, rejected all bids and awarded JBBJ the agreement. Mr. Gonzalez added that a major factor that contributed to that decision was that the other firm represented Miami-Dade County as their lobbyist, and JBBJ had committed to only represent the City of Miami Beach in South Florida.

2. Discussion regarding the RDP Royal Palm Hotel.

ACTION

Item Deferred

OLD BUSINESS:

3. Discussion regarding the Greater Miami Convention and Visitors Bureau (GMCVB) Contract Negotiations.

ACTION

The Committee moved the item to the full Commission and directed the Administration to meet with the GMCVB in order to tie the contract remuneration to the GMCVB's performance.

Mr. Gonzalez introduced and summarized the item. Mr. Gonzalez stated the Administration is presenting an update on the on-going contract negotiations with the GMCVB. Mr. Gonzalez added that the City has been operating on a month to month basis with the GMCVB since their contract expiration in September 2004. He also stated that the Administration and the GMCVB have reached an agreement, within the parameters previously provided by the Finance and Citywide Projects Committee, on the following terms and seek further Committee input before the final contract is brought to the City Commission on December 8, 2004:

Term:

5 years;

Funding:

\$5 million base; commencing in the 2nd year of the contract, the base will be adjusted annually by the lesser of CPI-U or 3%.

GMCVB to provide funding for the CAC as follows:

Year 1 - \$200,000

Year 2 - \$100,000

Year 3 -5 \$ 50,000 annually

City allocation as Submarket Initiatives funded at \$950,000 annually, within the base;

Performance Measures Mandatory reporting benchmarks established in contract;

Governance Structure New governance plan to be implemented by end of the first

contract year (September 30, 2005);

Incentive: None; Bureau may contract for additional services,

approved at sole discretion of the City, to be funded by City Resort Tax Contingency for Resort Tax related initiatives;

Watson Island Fund: Estimated at \$1,000,000 to be disbursed as follows:

2/3rd portion to be redirected to the Bureau's Business Recovery Fund, amortized over 5 year period, and the remaining 1/3rd portion to be reimbursed to City upon execution of agreement, to be reserved for use by the City for initiatives consistent with the purpose of the Agreement.

Mr. Gonzalez stated that the proposed agreement is a fair contract with the GMCVB and a good contract for the City of Miami Beach.

Mr. Don Peebles and Mr. Bill Talbert from the GMCVB addressed the Committee and reiterated Mr. Gonzalez's comments regarding the proposed agreement. Mr. Peebles stated that the GMCVB is working on raising private funding, revamping their governance structure, and establishing performance standards/measures.

Chairman Smith stated that he would like to see periodic status reports presented to the City Commission regarding the GMCVB's efforts.

Vice-Chairman Steinberg stated that he would like to see mandatory benchmarks established in the contract.

Commissioner Garcia questioned why the proposed agreement does not include an incentive package as a performance impetus. Mr. Gonzalez replied that the GMCVB's current contract with Miami-Dade County includes performance incentives for County-wide measures.

Mr. David Kelsey, from the South Beach Hotel and Restaurant Association, stated that the South Beach Hospitality Community wants to be included in the discussion and decision making process as it pertains to marketing South Beach as a destination.

Vice-Chairman Steinberg recommended that the City meet with the GMCVB before the December 8, 2004 City Commission meeting in order to establish a threshold to tie the contract's remuneration to the GMCVB's performance.

4. Discussion regarding the Donation of Leave to a Deceased Employee's Dependent Beneficiary.

ACTION

The Committee moved the item to the full Commission.

Commissioner Luis R. Garcia, Jr. and Human Resources and Risk Management Director Mayra D. Buttacavoli introduced and summarized the item.

Ms. Buttacavoli stated that at the September 15, 2004 Finance and Citywide Projects Committee meeting, the Committee requested that the Administration work with Commissioner Garcia in developing a method by which employees could donate annual leave/sick leave to the dependent beneficiary of an employee that had passed away. She also stated that the Administration has drafted two ordinance amendments, one for Classified employees and one for Unclassified employees, to allow both classifications of employees to donate sick or annual leave to an employee's beneficiary, upon the employee's death.

Ms. Buttacavoli added that after meeting with Commissioner Garcia, the following four provisions were added to the item:

- Donating employees must have at least five years of service with the City of Miami Beach;
- The donating employee must maintain a balance of at least 260 combined hours of leave:
- The donated time will be computed at the donors current rate of pay in effect at the time of the donation;
- The donating employee will be required to sign an agreement that this donated time will reduce the number of hours available for payment of their final leave settlement.

Commissioner Garcia thanked Ms. Buttacavoli and Mr. Gonzalez for their work in putting together the amendments to the Classified and Unclassified Leave Ordinance.

Chairman Smith and Vice-Chairman Steinberg commended Commissioner Garcia for his efforts in sponsoring the two amendments.

JMG/PDW/mim

T:\AGENDA\2004\December 8, 2004\CONSENT\Fin & CW 11-23-04

ATTENDANCE SHEET

MEETING OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE

DATE: <u>November 23, 2004</u> TIME: <u>2:00PM</u>

PLEASE STATE YOUR NAME WHEN SPEAKING TO THE COMMITTEE - THANK YOU

PLEASE PRINT NAME	BUSINESS NAME & PHONE
Dov6 HANKS	The Mian: HGLALD 376-3625
Bief Talbert	MMCUB 305-539-3040
ITA MORIARTY	Ducus 308-509-1000
Kevin Crowder	CMB
Marien Turner	Jorden Burt LLP
Marilya Thompson	Jorden Bort LLP
Steve Adkins	M) 6Ay & Lesbor Clanter of Comme
Sege T. Neary	M) GAY & Lesboar Clanter fromme GMCVB
TRISH WALKER	CMB-FIN.
MANNY MARQUEZ	11 11
DAVID WHITAKERS	GMCVB
Kehard Steilberg	CMB
Melanie Mun	Fortaine bleau
Noëlle 7. Stevenson	GHCVB
CHRISTINA M. CUERVO	CMB - CMO
JORGE M. GONZALEZ	CMB - CMO
Mayea D. Buttacavoli	CMB- Human Resources

ATTENDANCE SHEET

MEETING OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE

DATE: <u>November 23, 2004</u> TIME: <u>2:00PM</u>

PLEASE STATE YOUR NAME WHEN SPEAKING TO THE COMMITTEE - THANK YOU

PLEASE STATE YOUR NAME WHEN SPEA	BUSINESS NAME & PHONE
Max Sklar	TCD 305-673-7577
LUIS R. GARCIA JR.	CMB- COMM.
JOSE SMITH	11 11
DON PEEBLES	CIMCVB
DAVID KELSEY	S.B. HOTEL & REST. ASSOCIATION
· · · · · · · · · · · · · · · · · · ·	

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDS, IN THE AMOUNT OF \$160,000, FROM PARKING REVENUE BOND FUNDS, FOR A CHANGE ORDER TO TARAFA CONSTRUCTION, INC., FOR ADDITIONAL GENERAL CONDITIONS AND TIME EXTENSION COSTS ON THE 42ND STREET PARKING GARAGE.

Issue:

Should the City Commission adopt the resolution?

Item Summary/Recommendation:

On April 8, 1998 the City Commission awarded a construction contract with Tarafa Construction Inc. (TCI), in the amount of \$3,248,452, pursuant to Invitation to Bid No. 7-97/98 entitled "42nd Street Municipal Garage Improvements". In June of 2000, the contractor informed the City that the garage was ready for final inspection. City inspectors observed additional items not consistent with their interpretation of the various codes and the City directed the contractor to comply. Some of these items were not shown on the contract documents and were not noted at the time of plan review and approval. Nevertheless, the Building Official issued a Temporary Certificate of Completion (TCC) on July 21, 2000. Request for Change Order (RCO) No. 54 by TCI, requesting compensation due to excusable, compensable delays was presented on April 2000. This RCO was initially rejected by RAMP after a long period of review due to insufficient substantiating information. It was also rejected by the CIP Office, for similar reasons on October 9, 2002, after RAMP issued their recommendation. Subsequent to the rejection, TCI submitted a response letter outlining their position on the matter. They also submitted a substantial number of documents and a timetable in support of their request. This timetable and the submitted documents, as well as our own files and records form the basis of the CIP recommendation presented herein. There were numerous delays on the project progress, especially during the period of late 1998 through the summer of 1999. At this time, the City obtained beneficial use of the Parking Garage. Further analysis shows, that while the delays did occur, most of them were as a result of a lack of teamwork by all parties including TCI but also as a result of poor contract documents, poor administration by RAMP during construction, and poor coordination by the Special Inspector retained by RAMP to oversee the structural repairs of the project. TCl did not close out the project in a timely fashion and failed to complete the necessary documents for the Final Certificate of Completion (CC) and needed assistance from City personnel to complete these tasks. The cost of the City personnel involved has been reduced as part of this recommendation. This time extension requested by TCI on RCO No. 54 is not unreasonable and is recommended for approval. The total amount requested in RCO No. 54 is \$177,211. Staff recommends a final amount of \$160,000 to account for the involvement of Property Management, the Building Department, and the CIP Office in the closeout and Final CC process.

Advisory Board Recommendation:

N/A

Financial Information:

Source of	Amount	Account
Funds:	1 \$160,000	Parking Fund 481
Finance Dept.	Total \$160,000	

City Clerk's Office Legislative Tracking:

Sign-Offs:

√Department Dire	ctor Aseistan	t City Manager	City Manager
TH W	RCM	СМС	1
T-VAGENDA\2004\Dec0804\R	egular\42nd Street Garage Close	Pout Cover dos	_/-

AGENDA ITEM <u>C7A</u>

DATE <u>12-8-04</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDS, IN THE AMOUNT OF \$160,000, FROM PARKING REVENUE BOND FUNDS, FOR A CHANGE ORDER TO TARAFA CONSTRUCTION, INC., FOR ADDITIONAL GENERAL CONDITIONS AND TIME EXTENSION COSTS ON THE 42ND STREET PARKING GARAGE, AND APPROVING FINAL CLOSEOUT OF THE PROJECT AFTER COMPLETION OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THE BUILDING.

RECOMMENDATION:

Adopt the Resolution.

FUNDING:

Funds are available from Parking Revenue Bonds Fund 481.

ANALYSIS:

On February 20, 1996, at the request of the City, a study was performed by Urbitran/Ramp (RAMP), for an analysis of the overall existing conditions present at the 42nd Street Parking Garage. It was stated in the report that the facility needed corrective action to preserve the structural integrity of the building.

On June 5, 1996, the Mayor and City Commission declared a public emergency existed and waived the competitive bidding process for professional architectural and engineering services. The Mayor and City Clerk were authorized to execute an amendment to the existing professional services agreement with RAMP for the renovation of the 42nd Street Garage to include Phase II preparation of detailed construction drawings, contract and bid documents, and technical specifications. On October 8, 1997, the Mayor and City Commission appropriated and authorized \$3,700,000 from Parking Revenue Bond Fund 481 for the 42nd Street Parking Garage Renovation to fund the cost of the construction contract and the cost of the design services with RAMP.

On April 8, 1998 the Mayor and City Commission approved the award of a construction contract with Tarafa Construction Inc. (TCI), in the amount of \$3,248,452 pursuant to City of Miami Beach Invitation to Bid Number 7-97/98 entitled "42nd Street Municipal Garage Improvements". This contract amount included the total cost of supplying all labor,

Tarafa City Commission Memorandum December 8, 2004 Page 2 of 5

materials, equipment and supervision necessary to complete the renovation of the 42nd Street Parking Garage. There was also a contingency allowance, in the amount of \$200,000, which was to be used to fund unforeseen conditions and other additional costs, which could arise out of the renovation of the existing facility. This represented approximately six (6%) percent of the Contract amount. This amount, by industry standards, is extremely low for a renovation project of this nature. It is common to have a ten (10%) percent to fifteen (15%) percent contingency in place on a renovation project.

During the course of the project, additional work in the amount of \$200,000 was identified. The reasons for this needed work varied from unforeseen structural problems, to additional electrical work required by the poor condition of existing installations, to changes requested by the City. The \$200,000 contingency allowance was used for these costs. On March 15, 2000, by Resolution No. 2000-23840, the Mayor and City Commission approved \$100,000 to cover additional construction costs for work required by regulatory agencies, further structural corrections and additional work requested by the City. This amount of \$100,000 was added to the project funding at that time, and raised the overall contingency amount to nine (9%) percent, which is still low for a renovation project.

In June of 2000, the contractor informed the City that the garage was ready for final inspection. City inspectors observed additional items not consistent with their interpretation of the various codes and the City directed the contractor to comply. These items included additional pull stations and emergency lights, additional parapet gap plates, additional fire protection work, man proofing panels, stairwell lighting fixtures, conduit & cable to the new transformer vault, and a rewired communication system. Some of these items were not shown on the contract documents and could have been considered errors by the consultant. However, the items were not noted at the time of plan review and approval. Nevertheless, the Building Official issued a Temporary Certificate of Completion (TCC) on July 21, 2000.

The above described changes generated Requests for Change Orders in the amount of \$64,871.82 for additional work performed by TCI in order to obtain the TCC. An additional correction to the emergency voice communication system requested by the Fire Marshall, estimated at \$30,000, was also required and completed.

Request for Change Order (RCO) No. 54 by TCI, requesting compensation for additional overhead and general conditions due to excusable, compensable delays during the 42nd Street Parking Garage Project was presented on April 2000. This RCO was initially rejected by RAMP, the consultant of record, after a long period of review and discussion due to insufficient substantiating information. It was also rejected by the CIP Office, for similar reasons on October 9, 2002, after RAMP issued their recommendation.

Subsequent to the rejection, TCI submitted a response letter outlining their position on the matter. They also submitted a substantial number of documents and a timetable in support of their request. This timetable and the submitted documents, as well as our own files and records form the basis of the CIP recommendation presented herein.

Tarafa City Commission Memorandum December 8, 2004 Page 3 of 5

There were numerous delays on the project progress, especially during the period of late 1998 through the summer of 1999. This resulted in a request for time extension by TCl from January 2000 through May 2000 for delays in the completion date for the project which was initially February of 2000. As noted above, Substantial Completion was not obtained until July 2000 and the TCC was not issued until July 21, 2000, four months after the initial contract date. At this time, the City obtained beneficial use of the Parking Garage.

It is also fact that there were delays regarding the completion of the man proofing installation during the period of June 22, 2000 through August 14, 2000. Some of the delays occurred after the TCC and are therefore not applicable for compensation. TCI is only requesting a time extension of eighteen days for this work. Initially, the City, under the advice of RAMP, understood that the delays were mostly caused by TCI due to several factors, such as a lack of manpower at the site and delays in the submittal of necessary materials for approval.

Further analysis shows, that while the delays did occur, most of them were as a result of a lack of teamwork by all parties including TCI but also as a result of poor contract documents, poor administration by RAMP during construction, and poor coordination by the Special Inspector retained by RAMP to oversee the structural repairs of the project. Many of the issues related to lack of manpower were directly related to slow responses on the part of RAMP to Requests for Information and to Requests for Proposals from TCI, especially those related to the corrections to the structural slab. The detail shown on the contract documents for the slab repair was not possible to implement due to existing conditions of the slab and the reinforcement. There was also an extended period where the consultant and the contractor could not agree on the repair methodology and on whether the new methods were compensable under the Agreement.

The Special Inspector frequently acted as the site observer from RAMP and sometimes interfered with the contractor's performance by commenting on means and methods or by requesting scope of work not shown on the contract documents. In some instances, the Special Inspector directed TCI subcontractors to stop work or directed them to do additional work in order to maintain the project schedule. Frequently, the directions given were not in accordance with the scope of the contract documents and added or deviated from work specified on the drawings or specifications.

For example, the Special Inspector once directed TCI to use a different size and weight sledgehammer than that being used for the demolition work. In another occasion, the Special Inspector directed TCI to use a different method and sequence of installation for the materials specified for correction of the existing structural cracks. Both of these examples have to do with means and methods which are not the prerogative of the consultant or of the Special Inspector but of the contractor. The confusions due to the performance of the Special Inspector arose from the fact that often, Construction Services of the Palm Beaches (CSPB), the company performing the special inspections, also acted as the field observer for RAMP, even though both services had been contracted separately and separate fees had been paid for both. In this type of Project, the Special Inspector

Tarafa City Commission Memorandum December 8, 2004 Page 4 of 5

reports to the Building Official per statute and the Field Observer reports to the consultant per contract. These two services were frequently mixed up and confused by the representative of CSPB in the field.

The most significant delay was incurred in resolving the condition discovered when the slab demolition began, which prevented TCI from adhering to the requirements of the through slab repair shown in the documents, because it was found in the field that the work as detailed could not be performed. This dispute was not resolved promptly because TCI claimed the detail on the documents could not be implemented and RAMP insisted that TCI perform the work as detailed. TCI contributed to the delay by not promptly agreeing with RAMP on an alternative method of repairs, but it was still the responsibility of RAMP to identify the alternative and to issue directives on how to achieve the expected results in a different manner from that shown on the documents. Eventually, the method of slab demolition and restoration was changed by RAMP and a Change Order was recommended for approval by the consultant and paid to TCI for a different method of construction detailed by RAMP. The Change Order was approved without any time extensions at the insistence of the City.

There were also numerous delays in reviewing and responding to Requests for Information (RFI) and Change Order Requests (COR) submitted by TCI to RAMP or the City or both. Some of these delays were submittals related to the through slab repairs, structural crack epoxy injections and slab water proofing which was part of the critical path of the Project. RAMP took as long as 267 days to respond to some of the RFI's.

On the other hand, TCl did not close out the project in a timely fashion and failed to complete the necessary documents for the Final Certificate of Completion (CC). TCl needed assistance by City personnel to complete these tasks. Several permits were found to be open due to lack of final inspections; additional coordination was done by City employees with TCl subcontractors to obtain such finals. The cost of the City personnel involved should be deducted from the RCO value and this reduction is part of this recommendation.

Additional costs were incurred when Property Management became involved to adjust Exit signs and Emergency lights and repairs to the fire alarm were performed. Even though these additional costs were agreed to be done by the City due to the amount of time the Parking Facility had been operating under the TCC, it would not have been required if TCI had done it correctly the first time. This City time is also deducted from the amount TCI is requesting.

Based on the above stated and on other events on record, the time extension requested by TCI on RCO No. 54, which is the subject of this Commission Memorandum, is not unreasonable and is recommended for approval. The daily cost for General Conditions and Overhead and Profit are in line with industry standards and since amounts are not specifically noted in the Contract Documents they became a matter subject to negotiation. After such a long period of time and in an attempt to reach a final resolution of this matter, the costs are recommended for acceptance, with a fair reduction for the latest costs

Tarafa City Commission Memorandum December 8, 2004 Page 5 of 5

incurred by the City in completing the final CC process. TCl has agreed not to request reimbursement of the interest on the monies retained even though by statute, as well as in accordance to their Agreement, they may be entitled to do so.

The total amount requested in RCO No. 54 is \$177,211. Staff recommends a final amount of \$160,000 to account for the involvement of Property Management, the Building Department, and the CIP Office in the closeout and Final CC process. Staff also recommends an appropriation, in the amount of \$160,000, from Parking Revenue Bonds Fund 481 to complete Final Payment to TCI and obtain Final Closeout of the Project. All required deliverables and closeout documents have been received, reviewed by CIP and RAMP, and approved. Final Certificate of Completion is pending maintenance corrections required for the elevators which have been requested by the Building Official. TCI, however, has completed all of their contracted work and has completed all the installations required by contract.

Attachments

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TARAFA CONSTRUCTION, INC.

GENERAL CONTRACTOR

151 MAJORCA AVENUE, SUITE C = CORAL GABLES, FL 33134 • TEL.: (305) 444-8337 • FAX: (305) 444-8347

September 3, 2002 (Revised)
April 3, 2000 (Originally Submitted)

URBITRAN/RAMP Associates 71 West 23rd Street, 11th Floor New York, N.Y. 10010

Att:

Brian J. Bartholomew, Regional Director

Re:

Parking System Improvements

42nd Street Parking Garage, Miami Beach, Florida A/E Comm. No. 9432RA, Owner's Project No. 7-97/98

SubJ.: Rco 54 "Claim for the Adjustment of the Contract Time and Sum"

We respectfully submit for your review our **REVISED** claim in the amount of \$177,211.10 for those costs and expenses incurred during the extended time associated with the administration and management costs of the Project covering the time period from January 31, 2000 through May 30, 2000. Additionally, as part of the revised adjustment to the Contract Time and Sum we are including the additional costs and expenses incurred during the review, and approval for the manproofing panels and associated installation, which amount to approximately 144 man-hours covering the time period from June 22.2000 through August 14, 2002.

Our claim is based on the time overrun created by reasons beyond our control that extended the Contract completion time thus increasing our overhead on the project. For your convenience and reference, we are herein including our summation letter of those delays that impacted the timely completion of the Work, dated and submitted to City of Miami Beach Public Works Department on January 31, 2000.

Tarafa Construction, Inc. is submitting this claim request based on our position that we are duly entitled to an equitable adjustment of the Contract Time and Sum based on reasonable compensation for the expenses associated with the construction time overrun. It is our intent that based on the good faith effort of all parties involved that this contract can be successfully closed out with a settlement satisfactory to all.

SUMMARY OF WORK

Work by Tarafa Construction, Inc. (\$1,159.00 x 121 + 18 days)
Profit at 10%

\$161,101.00

\$16,110.10

Total Amount this Claim

\$177,211.10

Sincerely, Tarafa Construction, Inc.

Nestor Marrero Project Manager

cc: Robert M. Tarafa, R.A. President encl's: January 31,2000 letter Eichealy Formula Calculations



TARAFA CONSTRUCTION, INC.

GENERAL CONTRACTOR

151 MAJORCA AVENUE, SUITE C . CORAL GABLES, FL 33134 . TEL.: (305) 444-8337 . FAX: (305) 444-8347

January 31, 2000

The City Of Miami Beach Dept. Of Public Works 1700 Convention Center Drive Miami Beach, Fl. 33139

Attn: Mr. Walter Reddick, Construction Manager

Re: 42nd Street Municipal Parking Garage Project No. 9432RA Subj: Request for Extension of the Contract Time



As you aware throughout the course of the project Tarafa Construction, Inc. through correspondence, updated schedules, meetings, etc. has presented their position that additional time is owed due to excusable delays beyond our control. As you are the third Construction Manager assigned to this project, and you have requested a meeting to discuss this very issue. We thought it might be beneficial, prior to the meeting, to herein recapitulate those previously documented delays through the following brief overview of historical events and selected correspondence to familiarize you with the project delays, prior to your involvement. A full presentation, inclusive of all supporting documents, will be assembled and presented for your review as soon as possible.

The basis for this project's untimely completion, like necessarily that of any other project, is impact to the schedule's critical path. On this project the critical path is the thru-slab demolition/restoration process. The thru-slab restoration is the de-facto predecessor to a litany of successor work which by definition cannot be started, or at the very least (if one where to work out of the proper sequence, as we've been forced to do) cannot be completed until the predecessor work is complete. A partial list of this work would include: Painting, Waterproofing, Traffic markings, Speed bumps, and Electrical work (refer to Superior Electric letter dated 2-26-98).

By way of a brief historical overview the thru-slab repair began with demolition on August 17,1998 which was completed by September 25,1998. During this time frame, and pursuant to a field inspection on September 11,1998 by Joe Wagner, problems were being perceived with the restoration aspect of thru-slab repair work owing to the relative thinness of the existing ramp slab. This situation led to a number of back and form correspondence, Rfi's, a request for a stop work order and various sketches, all of which finally culminated in sketch "SK-10" issued by

Urbitran/Ramp and dated January 11,1999. Our cost proposal for the additional work involved was tendered on February 16, 1999 and after negotiations and the issuance of some supplemental "TS" designated sketches a change order was issued on April 16,1999.

At this point (from 9-25-98 to 4-16-99) 205 calendar days had elapsed that we were not able to proceed with the restoration work of the thru-slab. On top of these 203 days it also has to be considered that the demolition work, previously completed, had to be commenced anew prior to scheduling any concrete restorative work, allowing for just a very reasonable (30) calendar days to mobilize the demolition contractor and to accomplish the new work brings the tally of days impacted in the schedule to 235. Moving ahead in the chronology to time recent we experienced the slab cracking issue, which again prevented the completion of this work for yet another (75) calendar days (refer to Tarafa memo dated 1-17-00). Total tally of days impacted to date by just the thru-slab issue would now be 310 calendar days accounting for over 50% of the total contract time available!

Through the first few months of 1999 we cautioned at meetings and through correspondence that without an expedient solution to the thru-slab dilemma, the time being lost was going to prove to be irrecoverable. The inexplicable response from New York, virtually on a weekly basis, was that the project was falling behind schedule, to increase the manpower levels and to bring the project back on schedule. At any rate in attempting to commence or complete other activities outside of the thru-slab work in the time period of approximately December 1998 to April 1999, conflicts with field conditions or ambiguities in the construction documents were encountered either requiring Rfi responses and/or change order approvals. If you refer to the "Responses to Rfi's " or "Responses to RCO's "portion of a letter we drafted in June of last year (enclosed) you will note that either/or was averaging substantially over 100 calendar days turn-around time. Please note that we proactively pursued the needed responses by advising the Engineer via correspondence (refer to letters dated December 7, 1998 and January 4, 1999) of the outstanding issues requiring their attention and further flagged the impact that they were having on the project's schedule. And yet during this time we continued to get barraged with letters demanding to know why the project wasn't moving forward as per the schedule! Requests for time extensions fell on deaf ears and we were told to find ways to mitigate the time lost. As a case in point we were informed at the time of executing your Change Order No. 4, (thru-slab) by Mr. David Cates that the only way the City would approved this change order would be without any additional time as the Garage had to be delivered on time regardless. Given all these circumstances as we've described herein we pretty much concluded that there wasn't any significant difference in dialoguing with either the City or the Engineer as there would be in talking to the proverbial ostrich with it's head in the sand.

As a peripheral issue, but one worth mentioning due to its detrimental effect on the project's momentum, would be that of the Project's Special inspector interference with our ability to prosecute and administrate the Work. Though I believe our working relationship to finally be harmonious, this was definitely not the case as we attempted to gear the project back up after the thru-slab issue was "resolved" by Change Order approval in April of 1999. By way of illustration I have enclosed two letters, one dated May 28, 1999 and the other June 21,1999. Both letters are

self-explanatory and demonstrate unnecessary interference to the process of the Work created by your representative.

What has to be recognized at minimum, that as a consequence of the these situations which were not of our doing, and now past the point in time that the project was to have been completed, that we are now confronted with a project that is being administrated out of the as-planned and as-bid sequence, and still not even complete with the Division 3 work! In addition to the \$100,000 dollars of additional thru-slab repairs that have and are being performed we have performed over \$20,000 of additional epoxy injection to the ramp slabs (your C.O. No. 7) and are now performing over \$30,000 of additional ramp slab prep work (EM-100) prior to the application of the deck membrane coating work. In other words you simply cannot expect to delay a Contractor's work by several hundred days, add substantial additional work on top of those delays, throw the work out of the correct and proper sequence and then expect the contractor in the (60) + days that you propose to extend the Contract by to clean-up the mess created by others and finish.

Walter, we appreciate the frustration that your department, the Parking Department and the Board of Commissioners must be experiencing in not comprehending why this project could not have been completed on time. Certainly, we met with some of officials/directors of these departments particularly during the difficult first (6) months of 1999 and while were courteously and professionally received, pretty much their only question and/or response was when would we bring more manpower on the project to complete on time without regard or appreciation that all the manpower in South Florida would not make a difference as long as we could not get answers and continue with the work of the thru-slab.

Accordingly, and based on the preceding Tarafa Construction, Inc. respectfully requests that an Extension of The Contract Time of Performance of no less than 235 calendar days be granted to restore the time period lost between September 25, 1998 and May 16, 1999. During this time no work on the critical path could proceed for reasons beyond our control. Tarafa Construction, Inc. would be well justified in requesting additional time for other delays experienced and documented, (not time concurrent with these 235 days and including such things as unusual weather delays, etc.), however at this point in time notwithstanding any unforeseeable problems is such that requested is anticipated to be needed.

Sincerely,

Tarafa Construction, Inc.

Paul E. Martinez Project Manager

cc: Robert M. Tarafa, R.A., President

TARAFA CONSTRUCTION, INC.							
	DIRECT COST ATTRIBUTABLE TO THIS CO	NTRACT	REVISIO	N			
	RCO: 54		DATE:		31-Mar-00		
	PROJECT NAME 42nd STREET PARKING GARAGE - PROJECT NO. 9432RA	١				1	
DESCRIPTION OF WORK: DIRECT JOB COST DURING EXTENDED CONTRACT DURATION							
	A. EXTENDED PROJECT (DIRECT JOB) ADMINISTRATIVE (COST DI	RING C	ON	STRUCTION PHAS	:E	
1	PROJECT MANAGER - PAUL MARTINEZ - 100% OF TIME	8	HRS.	@		\$181.03	
2	FIELD OFFICE - TARAFA CONSTRUCTION	1	EACH			\$6.58	
3	FIELD OFFICE - ARCHITECT	1	EACH			\$6.53	
4	TEMPORARY TOILETS	2	EACH			\$4,13	
5	TELEPHONES	2	EACH			\$6,74	
6	FAX, XEROX, SUPPLIES	2	EACH		1 1 1	\$6.58	
7	ELECTRICITY	1	EACH) 1 1	\$2.85	
8	WATER	1	EACH	_	1 1 1	\$1,58	
9	CELL PHONE	1	EACH	_	1 1 1	\$2.30	
9	SAFETY PROTECTION/FENCING	1	EACH	1 -	\$8.98 /DAY	58.98	
10	INSURANCE - BUILDERS RISK	1	EACH		\$49.01 /DAY	\$49.01	
11	STORAGE CONTAINER	2	EACH			\$4,20	
TOTAL						\$280.51	
	B. EXTENDED MAIN OFFICE OVERHEAD FOR EXTE	NDED (ONSTR	:UC		7.2000	
1	EXTENDED MAIN OFFICE OVERHEAD	1	EACH			\$878.59	
					TOTAL	\$1,159.10	

CONTRACT BILLINGS		TOTAL OVERHEAD COST (CONTRACT PERIOD)
TOTAL BILLINGS	×	TOTAL CONTRACT DURATION
 \$3,248,000		\$2,373,309
\$13,154,069	x	667
24.59%	x	\$3,558
\$878.59		



TARAFA CONSTRUCTION, INC.

GENERAL CONTRACTOR

151 MAJORCA AVENUE, SUITE C. CORAL GABLES, FL. 33134 TEL.: (305) 444-8337 FAX: (305) 444-8347

R	EQU	JEST	for	CHAI	1GE	ORE	DER
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DATE:	03.SEP.02	RCO #:_	54A
PROJECT:	Parking System Improvement / 42nd Street Parking Garage, Project No. 7-97/98		
TO:	Mr. Water Reddick, Project Manager		
RE:	Additional Management and Administration Time for Manproofing Panels		
DESCRIPTION:			
the Installation of approval of change this cost to our Clawork encountered order. This proposecepted within the change order accepted to our change order to our change order to our change order to our change order to our change order.		fing shop Therefor unforeseen this reque ject to escitely and is hout an off	drawings an re, we will ad n or additional est for chang alation. If no sue a writte ficial execute
sequence of the Work, de additional claims for any	ange is limited to the work described herein, and does not include any other work not specifically listed, or any amou lays, disruptions, rescheduling, extended overhead, acceleration, unforeseen conditions, overtime and/or impact cost. To and all those related items above mentioned, including any items we might have omitted due to the complexity of the all settlement of this contract. Also we reserve the right to claim for additional time for this change order work.	Ci reserves the	night to make an
TCI. INC. LABOR			
(see attached cost ar	nalysis)	;	\$ 6,567. 8 4
EQUIPMENT/MAT	FERIAL		
(see attached cost an			209.84
SUBCONTRACTS			
(see attached cost an	aalysis)		-
GENERAL COND	TIONS 0.0%		
(Administration of Ch			_
	St	JBTOTAL	6,777.68
	TCI Overhead & Prof	it (@ 12%	813.32
	SI	JBTOTAL	7,591.00
	Road and Liability Co.	atata 1 Etr	113,87
	Bond and Liability Co	St @ 1.5%	113.67
	TOTAL T	HIS RCO_	\$ 7,704.87
		Control of the Contro	
Tarafa Construction,	The state of the s		
TOTAL OF THIS CH		E	Date
The Contract Time w			
Owner Inspector:	till be (Changed) by days		

Owner:

Name & Title

Name & Title

Mr. Walter Reddick, Owner Representative

Signature

Signature

Date

Date

6,777.68



TARAFA CONSTRUCTION, INC. GENERAL CONTRACTOR

151 MAJORCA AVENUE, SUITE C CORAL GABLES, FL. 33134 TEL.: (305) 444-8337 FAX: (305) 444-8347

		COST	ANA	LYSIS
DATE:	03.SEP.02	RC	O#:	54A
PROJECT:	Parking System Improvement / 42nd Street Parking Garage, F	Project No. 7-97/98		
RE:	Additional Management and Administration Time for Manproofing Panels			
LABOR				ortopassesses.
DESCRIP FIO				
1) 2)	Management Direct Cost			6,567.84
3)				-
4)				•
5)				•
6)				•
7) 8)				-
9)				-
-,				-
		Labor To	tal≃	6,567.84
EQUIPMEN	T/MATERIALS			
	Material Direct Cost			
2)				209.84
3)				
4)				•
5) 6)				•
7)				-
8)				•
		Equip./Mat. Tot	alz	209.84
				203.04
SUBCONTR	ACT			
1) 2)				
3)				
4)				
•		Subcontract Tot	al=	-
SUBTOTAL				
		Subtot	ale	6,777 68
				4,177 00
	GDANIT	TOTAL	\$	6 777 68

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

Two (2) Resolutions accepting the recommendation of the City Manager concerning the appointment of Judge Robert Newman to serve as Chief Special Master, commencing January 1, 2005, and ending June 30, 2005, or until a successor has been appointed. One Resolution appoints Judge Newman as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution appoints Judge Newman to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code.

Issue:

Judge Newman will be relocating to West Palm Beach, Florida in early 2005 and he has agreed to continue to actively hear cases until a successor has been appointed.

Shall the City Commission re-appoint Judge Robert H. Newman for a term of six-months or until a successor is appointed?

Item Summary/Recommendation:		
The Administration Recommends approving the Resolution.		

Advisory Board Recommendation:	
N/A	

Financial Information:

Source of	Amount	Account	Approved
Funds:			
	2		
	3		
	4		
Finance Dept.	Total		

City Clerk's Office Legislative Tracking:

Robert E. Parcher, City Clerk

Sian-Offs:

Department Director	Assistant City Manager	City Manager
228		long
:\AGENDA\2004\Dec0804\Consent\Item	Summary Judge Newman.doc	7 8

AGENDA ITEM <u>C713</u> DATE <u>/2-8-04</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To: Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Murray Dubbin City Attorney

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE MIAMI BEACH CITY MANAGER CONCERNING APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER, COMMENCING JANUARY 1, 2005, AND ENDING JUNE 30, 2005, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF CITY CODES AND ORDINANCES, AND SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CITY OF MIAMI BEACH RESOLUTION NO. 98-22777 CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MASTER.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER CONCERNING THE APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER COMMENCING JANUARY 1, 2005, AND ENDING JUNE 30, 2005, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD ADMINISTRATIVE HEARINGS REGARDING APPEALS FROM CITATIONS FOR VIOLATIONS OF MIAMI BEACH CITY CODE CHAPTERS AND REGARDING DENIALS, SUSPENSIONS, AND REVOCATIONS OF OCCUPATIONAL LICENSES AND CERTIFICATES OF USE, AND TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT SUCH HEARINGS PURSUANT TO CITY ORDINANCES.

ADMINISTRATION RECOMMENDATION

Adopt the Resolutions.

ANALYSIS

Judge Newman will be relocating to West Palm Beach, Florida in early 2005. He has agreed to continue to actively hear cases until a successor has been appointed.

The attached two Resolutions provide for the reappointment by the City Commission of Judge Robert H. Newman for a time of six-months or until a successor has been appointed. One Resolution appoints Judge Newman as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution appoints Judge Newman to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code.

At the December 11, 2002 City Commission Meeting, the City Commission requested the Administration develop a process to evaluate the Special Masters and referred this item to the Community Affairs Committee (CAC). The Administration, Judge Newman, Chief Special Master, and the Special Masters prepared a "Special Master Complaint Process." See Exhibit "A". At the March 25, 2003 CAC meeting, the CAC endorsed the Special Master Complaint Process. At the April 9, 2003 City Commission Meeting, the City Commission accepted the recommendation of the CAC.

Judge Newman is a retired Senior Judge with over 20 years of active time on the bench. He is an active member of the Florida Bar, in good standing.

Judge Newman's professional activities and associations include:

Chief Special Hearing Officer, City of Miami Beach

Admitted to practice before U.S. Supreme Court
Commissioner on Miami-Dade County Committee on Ethics and Public Trust
Chief Land Commissioner for the East Everglades
Past Secretary for National Board of Trustees, Leukemia Society of
America, Inc. and Chairman, Planned Giving Committee and By-Laws Committee
Past President, Temple Beth Am
Past Member of the Faculty of Florida New Judges College
Instructor at Miami-Dade Community College Paralegal Program

Judge Newman has the knowledge, skills and abilities, to perform as Chief Special Master. He has served this City with distinction since 1998, and his reappointment will best serve the interests of the City. As such, the subject Resolutions should be adopted.

(B) JMG/REP/Im

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EXHIBIT "A"

SPECIAL MASTER COMPLAINT PROCESS

1. Code of Conduct for Special Master

Judicial Duties in General

The judicial duties of a Special Master take precedence over all the Special Master's other activities. The Special Master's judicial duties include all the duties of the Special Master's office prescribed by law. In the performance of these duties, the following standards apply.

Adjudicative Responsibilities

A Special Master shall hear and decide matters assigned to the Special Master.

A Special Master shall be faithful to the law and maintain professional competence in it.

A Special Master shall not be swayed by partisan interests, public clamor or fear of criticism.

A Special Master shall require order and decorum in proceedings before the Special Master.

A Special Master shall be patient, dignified and courteous to litigants, property owners, witnesses, lawyers and others with whom the Special Master deals in an official capacity, and shall require similar conduct of lawyers and of staff, court officials and others subject to the Special Master's direction and control.

Commentary

The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Special Masters can be efficient and businesslike while being patient and deliberate. The Special Master shall have the discretion to continue matters which cannot be disposed of within the time allotted by the Clerk.

A Special Master must refrain from speech, gestures or other conduct that could reasonably be perceived as sexual harassment and must require the same standard of conduct of others subject to the Special Master's direction and control.

A Special Master shall perform judicial duties without bias or prejudice. A Special Master shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.

A Special Master must perform judicial duties impartially and fairly. A Special Master who manifests bias on any basis in a proceeding impairs the fitness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, the media and others an appearance of judicial bias. A Special Master must be alert to avoid behavior that may be perceived as prejudicial.

A Special Master shall require lawyers in proceedings before the Special Master to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others.

A Special Master shall accord to every person who has a legal interest in proceedings, or that person's lawyers, the right to be heard according to law. A Special Master shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the Special Master outside the presence of the parties concerning a pending or impending proceeding.

A Special Master may obtain the advice of a disinterested expert on the law applicable to a proceeding before the Special Master if the Special Master gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

A Special Master may consult with court personnel whose function is to aid the Special Master in carrying out the Special Master's adjudicative responsibilities or with other Special Masters.

2. Complaint Resolution Procedures

- a. Upon receipt of a complaint, the complainant shall be advised that the complaint shall be filed in writing.
- b. Complaints shall be filed in writing and submitted to the Clerk of the Special Master.
- c. Upon receipt of the written complaint, within two (2) business days, the Clerk of the Special Master shall forward the original to Chief Special Master and a copy to the Special Master against whom the compliant was filed.
- d. The Chief Special Master shall review the complaint.
- e. Within ten (10) calendar days, the Special Master against whom the complaint was filed, if so chooses, shall submit to the Chief Special Master a response to the complaint.

- f. The Chief Special Master shall review the response, the complaint and any all other information available regarding the complaint.
- g. Upon a thorough review of the all information regarding the complaint, the Chief Special Master shall discuss the findings with the Special Master against whom the complaint was filed.
- h. Within 30 calendar days, upon receipt of the complaint, the Chief Special Master shall submit a final report of its findings to the Mayor and City Commission, the City Attorney, City Manager, the Complainant, and the Special Master.
- i. Appropriate sanctions shall be taken, if necessary, against the Special Master.

3. Chief Special Master

Maintain the same language with the following provisions:

- a. If the complaint is filed against the Chief Special Master, upon receipt of the complaint by the Clerk of the Special Master, the complaint shall be forwarded to the City Manager and the City Attorney.
- b. Within seven (7) days of receipt of the complaint by the City Manager and/or City Attorney, a Mediator shall be appointed by the City Manager and the City Attorney and provided a copy of the complaint.
- c. If the complaint is filed against the Chief Special Master, all references to the Chief Special Master shall be substituted with a Mediator appointed by the City Manager and City Attorney and the Special Master shall be substituted with the Chief Special Master.

T:\AGENDA\2003\jun1103\consent\Special Master Complaint Process.doc

RESOL	UTION NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE MIAMI BEACH CITY MANAGER CONCERNING APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER, COMMENCING JANUARY 1, 2005, AND ENDING JUNE 30, 2005, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF CITY CODES AND ORDINANCES, AND SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CITY OF MIAMI BEACH RESOLUTION NO. 98- 22777 CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MASTER.

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

WHEREAS, in Miami Beach City Code Chapter 30, Section 30-2 governing "Code Enforcement" was amended to provide for an alternative code enforcement system wherein Special Masters were authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City Codes and Ordinances; and

WHEREAS, in Miami Beach City Code Chapter 30, Section 30-36, entitled "Appointment of Chief Special Master;" a provision was made for the appointment of a Chief Special Master to fulfill the above referenced duties, with the authority to appoint such other Special Masters as reasonably required to conduct said hearings; appointment of the Chief Special Master is established upon the Miami Beach City Commission's acceptance by a majority vote of the Miami Beach City Manager's recommendation for appointment; and

WHEREAS, the City Manager of the City of Miami Beach hereby recommends reappointment of Judge Robert Newman to fill the position of Chief Special Master for the City of Miami Beach; and

WHEREAS, all other matters set forth within City of Miami Beach Resolution No. 98-22777 with regards to limitation on compensation to be paid to the Chief Special Master, as well as other duties of the Chief Special Master shall remain in effect for a six month term commencing January 1, 2005, and ending June 30, 2005, or until a successor has been appointed.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Miami Beach City Manager concerning reappointment of Judge Robert Newman to serve as Chief Special Master pursuant to Miami Beach City Code Chapter 30 entitled "Code Enforcement", said Chief Special Master to be authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City Codes and Ordinances and further authorized to appoint such other Special Masters as may be reasonably required to conduct the subject hearings; and that all other matters set forth within City of Miami Beach Resolution No. 98-22777 concerning the compensation of the Chief Special Master as well as other duties of the Chief Special Master serving as Special Master are incorporated herein and shall remain in effect for a six month term commencing January 1, 2005, and ending June 30, 2005, or until a successor has been appointed.

PASSED and ADOPTED this 8th day of December, 2004.

ATTEST:	
	MAYOR
CITY CLERK	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
	Mill Situation of Date

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER CONCERNING THE APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER COMMENCING JANUARY 1, 2005, AND ENDING JUNE 30, 2005, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD ADMINISTRATIVE HEARINGS REGARDING APPEALS FROM CITATIONS FOR VIOLATIONS OF MIAMI BEACH CITY CODE CHAPTERS AND REGARDING DENIALS, SUSPENSIONS, AND REVOCATIONS OF OCCUPATIONAL LICENSES AND CERTIFICATES OF USE, AND TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT SUCH HEARINGS PURSUANT TO CITY ORDINANCES.

WHEREAS, pursuant to City of Miami Beach Ordinances, upon prior recommendation of the City Manager, the City Commission by a majority vote may appoint a Chief Special Master who shall be authorized to hold hearings and impose fines, liens, and other non-criminal penalties against violations of City Ordinances, and who shall be authorized to hear appeals from citations for violations of Miami Beach City Code provisions and to conduct hearings regarding denials, suspensions and revocations of occupational licenses and certificates of use, and who shall also be authorized to appoint such other Special Masters as may reasonably be required to conduct such hearings pursuant to City Ordinances; and

WHEREAS, the use of Special Masters under the direction of a Chief Special Master has proven to be an expeditious, cost effective and fair means of adjudicating issues relating to code violations; and

WHEREAS, the City Manager has recommended the reappointment of Judge Robert Newman as the Chief Special Master for a six month term commencing January 1, 2005, and ending June 30, 2005, or until a successor has been appointed.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Commission hereby accepts the recommendation of the City Manager, and re-appoints Judge Robert Newman to serve as Chief Special Master, for a six month term commencing January 1, 2005, and ending June 30, 2005, or until a successor has been appointed, who shall be authorized to hold hearings and impose fines, liens and non-criminal penalties against violators of City Ordinances and who shall be authorized to hear appeals from citations for violations of Miami Beach City Code provisions and to conduct hearings regarding denials, suspensions and revocations of occupational licenses and certificates of use and who shall also be authorized to appoint such other Special Masters as may reasonably be required to conduct such hearings as may be required pursuant to City Ordinances.

PASSED and ADOPTED this 8th day of December, 2004.

ATTEST:	
	MAYOR
CITY CLERK	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
	11-24-04

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

Set the First Public Hearing, in accordance with the requirements of Sections 163.3220 - 163.3243, Florida Statutes, also referred to as the Florida Local Government Development Agreement Act, on Wednesday, January 12, 2005, to consider approving, on First Reading, a proposed Development Agreement between the City of Miami Beach and AR&J Sobe, LLC (A/K/A Potamkin/Berkowitz) for the Development of the Project, presently referred to as "5th and Alton", containing approximately 179,000 square feet of retail area and a supermarket and an approximate 1070 space parking garage and park-n-ride transit facility, including an intermodal/transportation component, an integrated parking garage, vertical transportation, ramps, ventilation, etc., and surrounding streetscape and public infrastructure to serve the project, bounded by Lenox Avenue on East, Alton Road on West, 6th Street on North and 5th Street on the South, in Miami Beach.

Shall the Mayor and City Commission set the First Public Hearing?

Item Summary/Recommendation:

Concurrent with the negotiations, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval.

While support for the Project is generally widespread, at both the Transportation and Parking and Finance and Citywide Projects Committee, the public raised some concerns on the economic viability of the parking operation and ingress/egress challenges to the site. The parties will continue to seek further community outreach with area businesses/residents as part of the FTA Environmental Assessment process.

Concurrent actions required to finalize a Development Agreement include negotiation of a:

- Declaration of Restrictions and Reciprocal Easement Agreement ("DR&REA") that will govern the parties and the operation and management of the public garage within the project.
- Application for Vacation of Alley.

Subject to these conditions, the Administration recommends setting the Public Hearing to approve the Development Agreement on First Reading on January 12, 2005. The Second Public Hearing will include the City Commission's consideration of the DR&REA and Vacation of Alley.

Advisory Board Recommendation:

<u>Finance & Citywide Projects Committee</u> – December 22, 2003 and October 26, 2004 <u>Transportation and Parking Committee</u> – February 2, 2004 and March 1, 2004 <u>Design Review Board & Historic Preservation Board</u> – August 17, 2004

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Christina M. Cuervo

Sian-Offs:

Department Director	Assistant City Manager City Manager
	auc Joy
T:\AGENDA\2004\Dec0804\Regular\Potamkin.SUM.doc	

AGENDA ITEM	_C7C
DATE	12-8-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING THE FIRST PUBLIC HEARING, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 163.3220 -163.3243. FLORIDA STATUTES, ALSO REFERRED TO AS THE FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT, ON WEDNESDAY, JANUARY 12, 2005, TO CONSIDER APPROVING, ON FIRST READING, A PROPOSED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND AR&J SOBE, LLC (a/k/a POTAMKIN/BERKOWITZ) FOR THE DEVELOPMENT OF THE PROJECT, PRESENTLY REFERRED TO AS "5TH AND ALTON", CONTAINING APPROXIMATELY 179,000 SQUARE FEET OF RETAIL AREA AND A SUPERMARKET AND AN APPROXIMATE 1070 SPACE PARKING GARAGE AND PARK-N-RIDE TRANSIT FACILITY. INCLUDING AN INTERMODAL/ TRANSPORTATION COMPONENT, AN INTEGRATED VERTICAL TRANSPORTATION. PARKING GARAGE. VENTILATION, ETC., AND SURROUNDING STREETSCAPE AND PUBLIC INFRASTRUCTURE TO SERVE THE PROJECT, BOUNDED BY LENOX AVENUE ON EAST, ALTON ROAD ON WEST, 6th STREET ON NORTH AND 5th STREET ON THE SOUTH, IN MIAMI BEACH.

RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963 designating the area bounded by 6th Street to the North, 5th Street to the South, Alton Road to the West and Lenox Avenue to the East, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area.

Since July 2002, the Administration has been meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces and a supermarket. In accordance with the City Commission's directive and the community's identified needs, the City's interest in the project development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryways.

December 8, 2004
City Commission Memorandum
Potamkin/Berkowitz – Setting Public Hearing
Page 2 of 4

Over the past two (2) years, the proposed project has been reviewed on several occasions by various City Committees including Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board and Historic Preservation Board. With the recommendations from these meetings, the parties have reached agreement on a majority of the substantive terms and conditions that would govern the City's joint participation, including the identification of Federal Transit Administration (FTA) funding, as the primary source, for the City's capital contribution to the project.

On April 5, 2004, the Developer and its project team and City staff met with the FTA in Atlanta to review FTA funding requirements. The FTA expressed favorable comments in its initial review of the project and indicated the City would need to place emphasis on the transit elements of the project, focusing on their location, cost and use, and transit user profiles to determine the project's eligibility for FTA funding.

In addition, as reported in May 2004 to the City Commission, the City and Developer have continued to address other issues including: Floor Area Ratio (FAR), Alley Vacation, Park and Ride Transit Facility components, Art in Public Places, Planning Board – Conditional Use, FTA funding eligibility and rising construction costs.

As part of the ongoing negotiations, many areas of uncertainty continued to arise affecting the success of the negotiations; namely, (1) the FTA requirements and pending approval by FTA and (2) the rising cost of construction, and its impact on the City's contribution to the project. These issues were discussed by the Finance Committee on October 26, 2004 and resolved as set forth below:

1) <u>FTA</u>

To address the FTA issues, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA) and evaluate the ability to apply for additional funding through FTA's competitive grant application process. Thereby, the City would proceed in obtaining approval and assurance that the project qualifies as an FTA eligible funded project and seek to maximize the grant funding available for the City's improvements, since FTA regulations will apply to the public portion of the project, at a minimum.

On May 24, 2004 the City Mayor and Commission passed Resolution No. 2004-25574 to establish an RFQ for the professional architectural and engineering services related to the preparation of the Environmental Assessment report, as required by the Federal Transit Administration.

RFQ 38-03/04 was issued on July 30, 2004. A Pre-RFQ Submission Conference was held on August 17, 2004 and the Evaluation Committee will be meeting October 26, 2004.

Since the outcome of the FTA funding eligibility will not be confirmed until sometime in the future, the Developer is facing timing constraints to determine whether or not to proceed with the City, or independently, in the proposed joint venture. The Finance Committee recommended the City would commit to proceed with the project irrespective of FTA funding eligibility. In other words, if FTA deems the project is not wholly or in part eligible,

December 8, 2004
City Commission Memorandum
Potamkin/Berkowitz – Setting Public Hearing
Page 3 of 4

the City will be committing non FTA funding, preferably South Pointe RDA funds, in order to guarantee the City's participation in the project from the onset.

2) CONSTRUCTION COST ESTIMATES

As to the rising cost of construction, on August 25, 2004 and September 14, 2004, the Developer submitted a take-off analysis of the estimated construction cost of the parking component of the proposed project, which was prepared by the Developer's consultant Moss and Associates. The Developer also conducted an area analysis and calculated a percentage cost per square foot, which yielded a higher value for the garage. The Developer's analysis reflected a revised construction cost estimate of \$20,741/per space (based on percentage allocation) and \$18,025/per space based on the Moss Take-off analysis.

The City had previously negotiated a \$14,500/per space cost contribution to the project, which represented a \$7,250,000 capital contribution based on 500 spaces. The new cost estimates submitted by the Developer represent an over 24-43% increase in the City anticipated contribution to the project.

As a result, these findings were reported informally to the Finance Committee on September 15, 2004 and the Committee concurred with the Administration's recommendation to engage the City's own consultant to review and analyze the newly submitted construction costs estimates.

The City engaged URS to review and perform an independent analysis of the Moss and Associates Take-off analysis and of the construction costs submitted. As a result, URS submitted revised construction cost estimates and reallocations, as deemed necessary, and URS determined the per space cost, without any alteration to the proposed project design, would be approximately \$16,262/per space.

On October 15, 2004, the City and the Developer met to review the revised construction cost estimates and URS' findings. At this meeting, the parties agreed that based on URS' revised estimate of \$16,262/per space and the increased number of spaces in the project (i.e. 1069 total spaces; City allocation is 50%, or 534 spaces), the City's capital contribution to the project would be as follows:

534 spaces @ \$16,262/per space Additional Transit Components	\$8,683,908 395,327
(elevator pit and shaft to Alton Road and Bus Stop) Lost Value (due to City requested set back on Alton representing loss of 1,000sf)	333,333
TOTAL	\$9,412,568
Developer Request	\$9,500,000

The Finance Committee discussed the reality of rising construction costs and felt it was appropriate to modify the City's capital cost contribution accordingly, due to the Developer's guarantee to assume any construction cost overruns. The rise in costs is mitigated by the Developer's guarantee to assume the construction risk associated with

December 8, 2004 City Commission Memorandum Potamkin/Berkowitz – Setting Public Hearing Page 4 of 4

any future cost increases or construction change orders not dictated by the City and/or any FTA requirement.

Based on the revised construction cost estimates and Developer guarantee, the Finance Committee recommended committing to the revised City capital contribution to the project of \$9,500,000 as cited above.

Concurrent with the negotiations, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval.

While support for the Project is generally widespread, at both the Transportation and Parking and Finance and Citywide Projects Committee, the public raised some concerns on the economic viability of the parking operation and ingress/egress challenges to the site. The parties will continue to seek further community outreach with area businesses/residents as part of the FTA Environmental Assessment process.

Concurrent actions required to finalize a Development Agreement include negotiation of a:

- Declaration of Restrictions and Reciprocal Easement Agreement ("DR&REA") that will govern the parties and the operation and management of the public garage within the project.
- Application for Vacation of Alley.

Subject to these conditions, the Administration recommends setting the Public Hearing to approve the Development Agreement on First Reading on January 12, 2005. The Second Public Hearing will include the City Commission's consideration of the DR&REA and Vacation of Alley.

JMG/CMC/rar
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RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:					
A Resolution supporting	condominium workers	s' legally protected	right to form	n, join, or	· assist labo
organizations without fea	r of reprisals, discrimina	ation, coercion or ir	nterference by	the their	employers.

issue:

Shall the City Commission approve the resolution supporting condominium workers' legally protected right to form, join or assist labor organizations?

Item Summary/Recommendation:

The Neighborhood/Community Affairs Committee members unanimously approved a motion to support this resolution.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of		Amount	Account	Approved
Funds:	1 1			
	2			
	3			
	4			
Finance Dept.	Total			

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L	.ITV	CIE	rk's	Office	Ł	eass	Iativ	/e	rac	KHI	U.

Linda Gonzalez Verbit, Director, Labor Relations Division

Sign-Offs:

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Department Director	Assistant City Manager City Manager
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AGENDA ITEM <u>C7D</u>
DATE 12-8-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY

OF MIAMI BEACH, FLORIDA SUPPORTING CONDOMINIUM WORKERS' LEGALLY PROTECTED RIGHT TO FORM, JOIN, OR ASSIST LABOR ORGANIZATIONS WITHOUT FEAR OF REPRISALS, DISCRIMINATION,

COERCION, OR INTERFERENCE BY THEIR EMPLOYERS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

At the November 3, 2004, Neighborhoods/Community Affairs Committee meeting, there was a discussion regarding a resolution supporting condominium worker's rights to form, join or assist labor organizations without interference by their employees. The Committee Members heard testimony from condominium workers that were unfairly terminated or treated. The Committee members unanimously approved a motion to support the right of condominium workers in Miami Beach to exercise their legally protected right to form, join, or assist labor organizations without fear of reprisals, discrimination, coercion, or interference by their employers.

JMG/LG/RI

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RESOLUTION NO
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING CONDOMINIUM WORKERS' LEGALLY PROTECTED RIGHT TO FORM, JOIN, OR ASSIST LABOR
ORGANIZATIONS WITHOUT FEAR OF REPRISALS, DISCRIMINATION, COERCION, OR INTERFERENCE BY THEIR EMPLOYERS.
WHEREAS, Sec. 7. [§ 157.] of the National Labor Relations Act [Title 29, Chapter 7, Subchapter II, United States Code], states that "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection"; and

WHEREAS, Sec. 8. [§ 158.] (a) of the NLRA states that, "It shall be an unfair labor practice for an employer--

- (1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7 [section 157 of this title];
- (2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it:
- (3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization:
- (4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act [subchapter]"

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby support the right of condominium and other workers in Miami Beach to exercise their legally protected right to form, join, or assist labor organizations without fear of reprisals, coercion, or interference by their employers.

PASSED AND ADOPTED THIS o	lay of, 2004		
			
ATTEST:	MAYOR		
CITY CLERK	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION		
	4.1		

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

Resolution to approve the amendments of the One Year Action Plans to reprogram prior year unspent CDBG funds from the North Beach Development Corporation (NBDC) North Beach Façade Program in the amount of \$102,862 to the Miami Beach Community Health Center Stanley C. Myers facility. Authorization for the Mayor and City Clerk to execute any related agreements.

Issue:

Should the City of Miami Beach Commission amend One Year Action Plans in order to reallocate prior year unspent CDBG façade funds for the expansion of the Miami Beach Community Health Center?

Item Summary/Recommendation:

Per Commission action at the July 28, 2004, commission meeting, FY 2004/2005 CDBG funding in the amount of \$115,000 was redistributed from the NBDC North Beach Façade Program towards the acquisition and expansion of the Miami Beach Community Health Center. In addition, the Commission directed the Administration to allow NBDC to keep \$100,000 of prior year CDBG funds and reprogram all other uncommitted funds towards the Health Center. The total amount of uncommitted funds (\$102,862) will be combined with the CDBG FY 2004/2005 allocation of \$115,000 for a total allocation of \$217,862 towards the expansion of the MBCHC facility. Miami Beach Community Health Center, Inc. will be securing new office space in the converted warehouse at 720 Alton Road. The price of reconstruction of that site will be approximately \$5 million which will be a completed 10,000 S.F. medical center. The anticipated cost to adapt the center to an appropriate medical/dental office is estimated at between \$800,000 - \$1 million. City allocated CDBG funds are to be applied against the required down payment for the office space. Additional funding is available through the 2004 Building Better Communities Bond Program. The bond program allocates funding emergency and healthcare facilities specifically, to increase the number of health care facilities in our community.

Advisory Board Recommendation:

N/A

Financial Information:

Source of		Amount	Account	Approved
Funds:	1	\$37,102	131.5612	
	2	\$ 52,131	132.5612	
	3	\$13,629	133.5612	
	4			
Finance Dept.	Total	\$102,862		

City Clerk's Office Legislative Tracking:

Vivian P. Guzman

Sign-Offs:

Department Director	Assistant City Manager	City Manager
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		Jacq

JMG/RCM/VPG/TU/jfq
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AGENDA ITEM C7E

DATE 12-8-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE ONE YEAR ACTION PLAN

FOR FEDERAL FUNDS FOR FISCAL YEARS 1999/2000, 2000/2001, 2001/2002, AND 2004/2005 TO REPROGRAM PRIOR YEAR CDBG FUNDS IN THE AMOUNT OF \$102,862 FOR THE ACQUISITION AND EXPANSION OF THE MIAMI BEACH COMMUNITY HEALTH CENTER, AS DESCRIBED IN EXHIBIT I; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE RELATED AGREEMENTS FOR

THE REALLOCATION OF THE AFOREMENTIONED FUNDS.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On July 28, 2004, the City Commission approved the Fiscal Year 2004/2005 One-Year Action Plan, which details how the City intends to allocate federal funds received from the U.S. Department of Housing and Urban Development to conduct eligible housing and community development activities for the benefit of low and moderate-income Miami Beach residents.

During the July 28, 2004 commission meeting, the City Commission directed the Administration to reallocate CDBG funds from the proposed recommendation for the North Beach Development Corporation (NBDC) North Beach Façade Program to that of the Miami Beach Community Health Center for the Stanley C. Myers facility, located at 710 Alton Road. Pursuant to this action, \$115,000 was allocated to the Miami Beach Community Health Center Stanley C. Myers facility. In addition, the commission directed that NBDC would keep \$100,000 of prior year unexpended CDBG funds for the façade program and to reprogram any amount over the \$100,000 of prior year funds for the health facility. After reviewing the contract files with NBDC, staff determined that \$102,862 was contractually uncommitted and could be reprogrammed to MBCHC. Therefore, the total CDBG award for the MBCHC acquisition and expansion project will be \$217,862.

Miami Beach Community Health Center, Inc. will be presenting a contract for the purchase of 10,000 S.F. of finished condo office space in the converted warehouse at 720 Alton Road. The facility will be adjacent to 710 Alton Road, which they have occupied for almost 20 years. The price of reconstruction of that site will be approximately \$5 million which will

MBCHC CDBG Reallocation December 8, 2004 Page 2 of 2

be a completed 10,000 S.F. medical center. The anticipated cost to adapt the center to an appropriate medical/dental office is estimated at between \$800,000 - \$1 million. The financial requirements are as follows: 20% down payment is approximately \$900,000. \$250,000 is due upon signing of the agreement. On or about January 10, 2005, an additional security deposit of \$200,000 is due. The remaining \$450,000 is to be paid at \$10,000 per month upon commencement of construction and will end upon completion of construction and the issuance of a Certificate of Occupancy. The remaining balance of the \$450,000 will be immediately due and payable upon completion of construction and the issuance of a Certificate of Occupancy. Additional funding is available through the 2004 Building Better Communities Bond Program. The bond program allocates funding emergency and healthcare facilities specifically, to increase the number of health care facilities in our community.

Per the Citizen Participation Plan under HUD guidelines, the reallocation of said funds requires a 30-day public comment period for citizen comments on the intended amendments. A summary of the proposed amendments are listed in Exhibit I. The 30-day public comment period was from August 12, 2004 to September 12, 2004. During this time, no comments on this amendment were received.

CONCLUSION

The Administration recommends approval of the proposed amendments.

JMG/RCM/VPG/TU/jfq

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EXHIBIT 1

SOURCE OF FUNDS AGENCY - PROJECT	AMOUNT	DISTRIBUTION OF FUNDS AGENCY - PROJECT	AMOUNT
CDBG Program		CDBG Program	
North Beach Development Corporation – North Beach Façade Renovation Program (1999/2000 One-Year Action Plan)	\$37,102	Miami Beach Community Health Center – Acquisition and Expansion of Stanley C. Myers Site (2004/2005 One-Year Action Plan)	\$102,862
North Beach Development Corporation – North Beach Façade Renovation Program (2000/2001One-Year Action Plan)	\$52,131		
North Beach Development Corporation – North Beach Façade Renovation Program (2001/2002 One-Year Action Plan)	\$13,629		·
Total CDBG Funds	\$102,862	Total CDBG Funds	\$102,862

710 Minor Road

Fac: (305) 632-5788

Mlami Beach, Florida 33139 Telephone: (305) 538-6835



Chapters

Arnold Notion, B.E., M.S., Ed.S.

Vice Chairman

Raymond Adrian

Secretary

Maria C. Cruz, B.A., M.S.

Transurar

Julio C. Lora

Executive Director

Kathryn Abbate, M.H.A.

Chief Medical Officer

Mark L. Rabinowitz, M.D. FA.C.O.G.

Chilef Financial Officer

Stanley B. DeHart, Jr., C.P.A.

MIAMI BEACH COMMUNITY HEALTH CENTER, INC.

CITY OF MB CODE COMPLIANC

November 9, 2004

Ms. Vivian Guzman Neighborhood Services Director City of Miaml Beach 1700 Convention Center Drive Miami Beach, FL 33139

Dear Ms. Guzman.

Pursuant to our conversation last week and in preparation for the Commission Meeting on Wednesday, November 10, and subsequent referral to the special Finance Committee, the present situation of the Miaml Beach Community Health Center is as follows:

- Our Board Meeting is at 4 p.m. today, November 9, at which 1. time our attorney will present the contract for the purchase of 10,000 S.F. of finished condo office space which will be the converted warehouse adjacent to 710 Alton Road which we have occupied for almost 20 years.
- Price of reconstruction of that site will be approximately \$5 2. million which will be a completed 10,000 S.F. medical center. The anticipated cost to adapt the center to an appropriate medical/dental office is estimated at between \$800,000-\$1 million.
- 3. Alton Road LLC is the corporation that has been formed by Russell Galbut and Mitchell Rubinson for the purpose of developing the site for us at 720 Alton Road.
- The financial requirement is as follows: 4.
 - a. 20% down payment is approximately \$900,000. \$250,000 is due upon signing of the agreement which we anticipate will be ready for signature within seven business days.
 - b. On January 10, 2005, an additional security deposit of \$200,000 is due.

Stanley C. Myers Health Center 710 Alton Road Miami Beach, Florida 33139 Tel: 305-538-8835 Fax: 305-532-5766

Beverly Press Health Center 1221 - 71st Street Miami Beach, Florida 33141 Tel: 305-538-8835 Fax: 305-865-1881

Children of the World Health Center Fienberg-Fisher Elementary School 1420 Washington Avenue Miami Beach, Florida 33139 Td: 305-534-4004 Fax: 305-673-4222

Linda B. Spiegel Health Center Nautilus Middle School 4301 N. Michigan Avenue Miami Beach, Florida 33140 Tel: 305-531-7404 Fax: 305-531-7419

Dr. Solomon Lichter Hi-Tides Health Center Miami Beach Senior High School 2231 Prairie Avenue Miami Beach, Florida 33139 Tel: 305-532-4515

Ms. Vivian Guzman Page 2 November 9, 2004

- c. The remaining \$450,000 is to be paid at \$10,000 per month upon commencement of construction and will end upon completion of construction and the issuance of a Certificate of Occupancy.
- d. The remaining balance of the \$450,000 will be immediately due and payable upon completion of construction and the issuance of a Certificate of Occupancy.

I am requesting that the reallocation of funds that the City of Miami Beach has earmarked for our project be dispersed as soon as possible in order that the Miami Beach Community Health Center may utilize this towards the \$250,000 down payment.

On behalf of the patients, the Board of Directors, and the staff of the Miami Beach Community Health Center, we commend the Commission of the City of Miami Beach for their recognition of this project and their partnership with us in an effort to serve the 25,000 people who have utilized our services for the last 28 years. Without the support of the City of Miami Beach, this project would not be secured.

If you need additional information, please do not hesitate to call us.

Sinçevely,

Kathryn Abbate, M.H.A.

Executive Director

KA:Imv

CC:

John Quade

City of Miami Beach Commissioners

RESOI	LUTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE ONE YEAR ACTION PLAN FOR FEDERAL FUNDS FOR FISCAL YEARS 1999/2000; 2000/2001; 2001/2002; AND 2004/2005 TO REPROGRAM PRIOR YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, IN THE AMOUNT OF \$102,862, FOR THE ACQUISITION AND EXPANSION OF THE MIAMI BEACH COMMUNITY HEALTH CENTER, AS DESCRIBED IN EXHIBIT 1 HERETO; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE RELATED OF AGREEMENTS FOR THE REALLOCATION THE AFOREMENTIONED FUNDS.

WHEREAS, during the July 28, 2004, City Commission meeting, the City Commission reviewed and approved the One Year Action Plan for Federal Funds for Fiscal Year 2004/2005 (Action Plan) that was based on the joint recommendations from the Administration and the Community Development Advisory Committee; and

WHEREAS, during the July 28, 2004, City Commission meeting, the City Commission amended the recommendations of the Action Plan by providing funding for the acquisition and expansion of the Miami Beach Community Health Center, which was originally not recommended for funding in the Action Plan; and

WHEREAS, the City Commission directed the Administration to reallocate CDBG funds, in the amount of \$115,000, from the proposed recommendation for the North Beach Development Corporation (NBDC) North Beach Façade Program, to the Miami Beach Community Health Center (MBCHC), for the Stanley C. Myers facility, located at 710 Alton Road; and

WHEREAS, the City Commission also directed that NBDC may use \$100,000 of prior year unexpended CDBG funds for the North Beach Façade Program, and reallocated \$102,862 in contractually uncommitted funds toward the MBCHC facility, for a total allocation of \$217,862 for the MBCHC facility; and

WHEREAS, the proposed amendments to the One Year Action Plans are detailed in Exhibit 1, attached hereto; and

WHEREAS, in accordance with HUD regulations and the City's Citizen Participation Plan concerning substantive amendments, the Administration held a 30-day citizen comment period, which was advertised on August 12, 2004; to date, no comments have been received.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and Commission approve an amendment to the One Year Action Plan for Federal Funds for Fiscal Years 1999/2000; 2000/2001; 2001/2002; and 2004/2005 to reprogram prior year Community Development Block Grant (CDBG) funds, in the amount of \$102,862, for the acquisition and expansion of the Miami Beach Community Health Center, as described in Exhibit 1 hereto; and further authorize the Mayor and City Clerk to execute the related agreements for the reallocation of the aforementioned funds.

PASSED AND ADOPTED this	day of	, 2004.
		MAYOR
ATTEST:		
		APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
CITY CLERK		
MG/RCM/VG/JR		City Attorney 7 Date

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Co	nd	en	80	d	Ti	ŧΙ	6	
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A resolution setting a first reading public hearing for a proposed ordinance amending the Temporary and Provisional Parking Lot Standards and prohibiting provisional parking lots in the RPS districts; clarifying sign regulations for Temporary and Provisional Lots and modifying the landscape standards for Temporary and Provisional Lots.

Issue:

Should the regulations for the Temporary and Provisional Parking Lot Standards be amended to increase landscaping standards; prohibit provisional parking lots in the RPS districts; and clarify sign regulations for Temporary and Provisional Lots?

Item Summary/Recommendation:

The Administration recommends that the City Commission set a first reading public hearing for the proposed ordinance for the January 12, 2005.

Advisory Board Recommendation:

At the October 26, 2004 meeting of the Planning Board, by a vote of 6-0 (one member absent) the Board recommended approval of the proposed ordinance to the City Commission.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:	
Mercy Lamazares/Jorge Gomez	

Sign-Offs:

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

Temporary and Provisional Parking Lots Standards

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, CHAPTER "DESIGN PARKING." ARTICLE III. "OFF-STREET STANDARDS," BY AMENDING SECTION 130-70 "TEMPORARY STANDARDS:" PARKING LOT AND SECTION "PROVISIONAL PARKING LOT STANDARDS" BY CLARIFYING EXISTING REGULATIONS, PROHIBITING PROVISIONAL LOTS IN THE R-PS1 THROUGH 3 RESIDENTIAL PERFORMANCE DISTRICTS, AND MODIFYING **STANDARDS** ZONING LANDSCAPING STANDARDS.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission set a first reading public hearing for the proposed ordinance for the January 12, 2005 meeting.

BACKGROUND

At the August 24, 2004, the Planning Board requested a review of the regulations in the City Code pertaining to the Provisional and Temporary Parking lot standards, and to bring forth an amendment that would do the following:

- Upgrade the standards of the required landscaping for both the temporary and provisional parking lots.
- Create requirements for copy to be included in permitted signs that would identify the operator, phone numbers of contact for problems or complaints, the type of use, fees.
- Standardize the conditions of approval
- Prohibit provisional lots in the RPS districts.

Currently the City Code permits Temporary commercial or noncommercial parking lots in the MR marine recreational district, GU government use district, MXE Mixed Use. Entertainment District or in any commercial district. Temporary, **noncommercial** lots may be located in the R-PS1--4 and in any multifamily residential district or within the architectural district as defined in section 114-1. A noncommercial lot is one where parking is initially approved for a specific use and not offered to the general public.

Temporary parking lots can exist for three years and a request can be made for one initial extension of time for a two-year period, which would be granted by the Planning Board. After the initial extension of time, the planning director may grant up to five one-year extensions of time.

Provisional commercial or noncommercial parking lots may be operated in the CD1-3 (commercial, low to high intensity) districts, CPS-1 and 2 (commercial performance standards districts), RPS-1 through 3 (residential performance standards districts), I-1 (light industrial) district, and MXE (mixed use entertainment) district. These lots may be operated independent of a primary use.

Provisional parking lots are not be permitted to exist for a period of time greater than one year; however, a request for one extension of time for a period not exceeding six months may be requested from the planning director. Any further extension of time is prohibited.

ANALYSIS

For some time the Planning Board, as well as Planning Department staff, have been concerned about parking lots throughout the City, how they look, how they are maintained and the standards that currently exist in the City Code. In recent applications for extensions of time for existing temporary parking lots, the Planning Board has expressed these concerns and has requested an amendment to the City Code that upgrades the existing standards and addresses all these concerns.

At the September 2004 meeting of the Planning Board, an application for an amendment to the Code relative to temporary parking lots in the MXE district was reviewed. Planning Department staff recommended approval of the amendment suggesting some modifications to the request - improvements to the landscaping standards among others. The Board recommended that the City Commission approve the request incorporating staff suggestions. This proposed amendment will have a first reading at the November 10, 2004 City Commission meeting.

As a segue to the ordinance mentioned above, revisions to Sections 130-70 and 130-71 of the Code are being proposed pertaining to Temporary and Provisional Parking Lots. The proposed ordinance reorganizes sections of the Code for better understanding and sequencing; amends the provisional lot standards by upgrading the required landscaping; amends signage requirements to include the name of the operator, phone number where the operator can be contacted for information and complaints, and who can use the parking lot; and it eliminates the RPS districts as locations for provisional parking lots.

It should be noted that provisional parking lots are not permitted in any RS, Single Family, or RM, multifamily zoning districts. The elimination of provisional parking lots in the RPS districts was discussed at length during several Planning Board meetings. During these discussions, Board members articulated concerns of these types of parking lots in a redevelopment area that has increased in stature with new developments or increased renovation of existing structures. Board members believe that the lower standards of the provisional parking lot (crushed rock surface) are no longer compatible with this residential area and it would be best to prohibit them. Provisional parking lots are still permitted in the C-PS1 and 2 (commercial performance standards districts), CD-1 through 3 (commercial, low to high intensity), I-1 (light industrial) and MXE (mixed use entertainment).

PLANNING BOARD ACTION

At the October 26, 2004 meeting of the Planning Board, by a vote of 6-0 (one member absent) the Board recommended approval of the proposed ordinance to the City Commission.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

Pursuant to Section 118-164(2), when a request to amend these Land Development Regulations changes the actual list of permitted, conditional or prohibited uses in a zoning category, the City Commission shall hold two advertised public hearings on the proposed ordinance; at least one hearing shall be held after 5:00 p.m. The first public hearing shall be held at least seven days after the day that the first advertising is published. The second public hearing shall be advertised at least five days prior to the public hearing.

Immediately following the public hearing at the second reading public hearing, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML
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RESOL	.UTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, CHAPTER 130 "OFF-STREET PARKING," ARTICLE III, "DESIGN STANDARDS," BY AMENDING SECTION 130-70 "TEMPORARY PARKING LOT STANDARDS," AND SECTION 130-71 "PROVISIONAL PARKING LOT STANDARDS" BY CLARIFYING EXISTING REGULATIONS, PROHIBITING PROVISIONAL LOTS IN THE R-PS1 THROUGH 3 RESIDENTIAL PERFORMANCE STANDARDS ZONING DISTRICTS, AND MODIFYING LANDSCAPING STANDARDS.

WHEREAS, provisional commercial or noncommercial parking lots may be operated in the CD1-3 (commercial, low to high intensity) districts, CPS-1 and 2 (commercial performance standards districts), R-PS1 through 3 (residential performance standards districts), I-1 (light industrial) district, and MXE (mixed use entertainment) district independent of a primary use; and

WHEREAS, because provisional parking are not permitted to exist for a potential period of time greater than eighteen months, there are minimal landscaping standards required and not sufficient for compatibility with residential districts; and

WHEREAS, the landscaping standards for both temporary and provisional parking lots that currently exist do not enhance the physical environment of the surrounding neighborhoods, and

WHEREAS, it is the desire of the Planning Board as the Land Planning Agency for the City of Miami Beach to upgrade the existing landscaping standards to improve the visual and aesthetic standards throughout the City; and

WHEREAS, it is in the best interest of the City, its residents and visitors to improve the quality of life by displaying the exuberance of the tropical environment of the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA THAT a first reading public hearing is hereby set to be held before the City Commission on the first meeting of January 2005.

day of

2004

1 AGGLD AND ADG	 day or	, 2001.	
ATTEST:			
CITY CLERK			MAYOR

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

M Hulling 11-19-04
City Attorney 34 Date

PASSED AND ADOPTED this

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, to transmit the Evaluation And Appraisal Report (EAR) to the South Florida Regional Planning Council (SFRPC), for their review, pursuant to the provisions of Section 163.3191(8), Florida Statutes.

Issue:

Should the Evaluation And Appraisal Report (EAR) be sent to the SFRPC, a regional agency more familiar with issues of the South Florida region rather than to the Department of Community Affairs in Tallahassee?

Item Summary/Recommendation:

The Administration recommends that the City Commission adopt the proposed resolution.

Advisory Board Recommendation:

At the November 23, 2004 meeting, the Board discussed the Draft EAR and recommended that the City Commission approve the resolution to forward the document to the South Florida Regional Planning Council for review.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total			

City	Clark's	Office	Legislative	Tracking:	
CILY	CIGIV 2	OHICE	Legisialive	Hacking.	

Mercy Lamazares/Jorge Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
M	1196	lasa

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

TO:

Mayor David Dermer and

DATE: December 8, 2004

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Members of the City Commission

FROM:

Jorge M. Gonzalez

City Manager

SUBJECT:

Evaluation and Appraisal Report Resolution

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING THAT FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) DELEGATE THE REVIEW OF THE EVALUATION AND APPRAISAL REPORT (EAR) REVIEW TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC), PURSUANT TO THE PROVISIONS OF F.S. 163.3191(8).

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt this resolution and forward the request to DCA.

ANALYSIS

This resolution requests the Department of Community Affairs (DCA) delegate review of the Miami Beach Evaluation and Appraisal Report (EAR) to the South Florida Regional Planning Council (SFRPC). Planning staff believes that the SFRPC is more knowledgeable about local municipal and regional issues, and would provide a more pertinent review of the City of Miami Beach EAR.

CONCLUSION

This resolution will be submitted to DCA and the SFRPC upon adoption. Once DCA approves the request, the City will be notified, and the draft EAR will be submitted to SFRPC after presentation to the Planning Board and the Commission.

JMG\CMC\JGG\SAF
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RESOLUTION NO.	
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DELEGATE THE REVIEW OF THE EVALUATION AND APPRAISAL REPORT ON THE MIAMI BEACH COMPREHENSIVE PLAN TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, PURSUANT TO THE PROVISIONS OF SECTIONS 163.3191(1) & (8), FLORIDA STATUTES.

WHEREAS, pursuant to Section 163.3191(1), Florida Statutes (F.S.), local governments are required to prepare and adopt Evaluation and Appraisal Reports (EARs) as one component of the local comprehensive planning process; and

WHEREAS, pursuant to Section 163.3191(6), F.S., the Florida Department of Community Affairs (DCA) is the agency responsible for conducting sufficiency reviews of adopted EARs in Florida, including the EAR presently being prepared by the City of Miami Beach; and

WHEREAS, pursuant to Section 163.3191(8), F.S., DCA is authorized to delegate to regional planning councils the responsibility for the review of adopted EARs submitted by local governments within each council's respective jurisdiction; and

WHEREAS, delegating this review to the South Florida Regional Planning Council (SFRPC) will provide a more pertinent review of the Miami Beach EAR due to the SFRPC having more knowledge of the South Florida region and the City of Miami Beach.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA THAT:

The City of Miami Beach hereby requests that the Department of Community Affairs delegate authority for review of the City's Evaluation and Appraisal Report to the South Florida Regional Planning Council, and the Planning Director is hereby directed to forward this request to the appropriate officials at the DCA.

0004

PASSED AND ADOPTED THIS	iay or, 2004.
ATTEST:	
CITY CLERK	MAYOR
	APPROVED AS TO FORM AND LANGUAGE & FOR EXECUTION

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A Resolution authorizing the appropriation of \$174,567 from the \$2.5 million Miami Beach share of the FY 2003-04 Miami-Dade People's Transportation Plan (PTP) Fund, to mill and resurface Harding Avenue from 72nd to 67th Streets, and Byron and Carlyle Avenues from 72nd Street to Indian Creek Drive.

Issue:

Shall the City appropriate PTP funds for three right-of-way projects in North Beach?

Item Summary/Recommendation:

The Miami Beach pro-rata share of PTP funds collected in FY 2003-04 is \$2.5 million. County Ordinance No. 02-116 requires that each recipient municipality fully appropriate its annual share of PTP funds for eligible transit and transportation projects, prior to December 31st of each year. Pursuant to previous Resolutions, the City has already appropriated \$2,325,433 in FY 2003-04 PTP funds. In order to match the City's \$2.5 million in PTP receipts and meet County requirements, the \$174,567 fund balance is proposed to be appropriated for the milling and resurfacing of Harding Avenue (City road) from 72nd to 67th Streets, and Byron and Carlyle Avenues, from 72nd Street to Indian Creek Drive.

These streets, shown in the attach drawing, are in poor condition and are not part of the GOB Improvement Program. They will be in the first phase of a pavement improvement program for North Beach. Harding Avenue (City Road) from 67th to 72nd Streets is heavily utilized by northbound traffic. The projects would be scheduled for construction in March or April 2005, after the Miami Beach Boat Show.

The Administration recommends approval.

Advisor	y Board	Recomm	rendation:

N/A

Financial Information:

Source of		Amount	Account	Approved
Funds:	1	\$174,567	187.8000.312910 PTP Revenue	
	2			
	3			
	4			
Finance Dept.	Total	\$174,567		

City Clerk's Office Legislative Tracking:

Robert Halfhill

Sian-Offs:

Department Director	Assistant City Manager	City Manager
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AGENDA ITEM <u>C7H</u>
DATE <u>12-8-04</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORING THE APPROPRIATION OF \$174,567 FROM THE MIAMI BEACH SHARE OF THE COUNTY'S FISCAL YEAR 2003-04 PEOPLES' TRANSPORTATION PLAN (PTP) FUNDS, FOR THE MILLING AND RESURFACING OF HARDING AVENUE BETWEEN 72ND AND 67TH STREETS, AND BYRON AND CARLYLE AVENUES BETWEEN 72ND STREET AND INDIAN CREEK DRIVE; AND FURTHER AUTHORIZING THE ISSUANCE OF A WORK ORDER NUMBER FOR

PROJECT CONSTRUCTION.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Miami-Dade County Office of the Citizen's Independent Transportation Trust (OCITT) administers and distributes the proceeds from the voter-approved ½ cent on the sales tax, known as the People's Transportation Plan (PTP) funds. Twenty percent of the net PTP funds collected countywide is distributed to the eligible municipalities on a monthly basis. The Miami Beach annual pro-rata share is estimated at \$2.5 million.

County Ordinance No. 02-116 requires that all municipalities fully appropriate their annual shares of PTP funds no later than December 31st of each year. In addition, the County ordinance also requires that Miami Beach utilize at least 20% of its share of PTP funds for local transit projects, and 80% or less for transportation projects.

The City must appropriate the balance of \$174,567 in PTP funds in order to meet County requirements for utilization of the funds. The Administration proposes to use the \$174,567 fund balance to mill and resurface three street segments in North Beach; Harding Avenue (City Road) between 72nd and 67th Streets, and Byron and Carlyle Avenues between 72nd Street and Indian Creek Drive. These streets and others, shown in the attached drawing, are in poor condition, and have not been included in the General Obligation Bond Improvement program. The Administration plans to resurface non-GOB funded streets in North Beach starting in the southern section and moving north as PTP funds become available. Harding Avenue was selected to be resurfaced first because of its poor condition and the high traffic volume it carries daily.

The following FY 2003-04 PTP fund appropriations have already been authorized by previous Commission Resolutions, for the following projects:

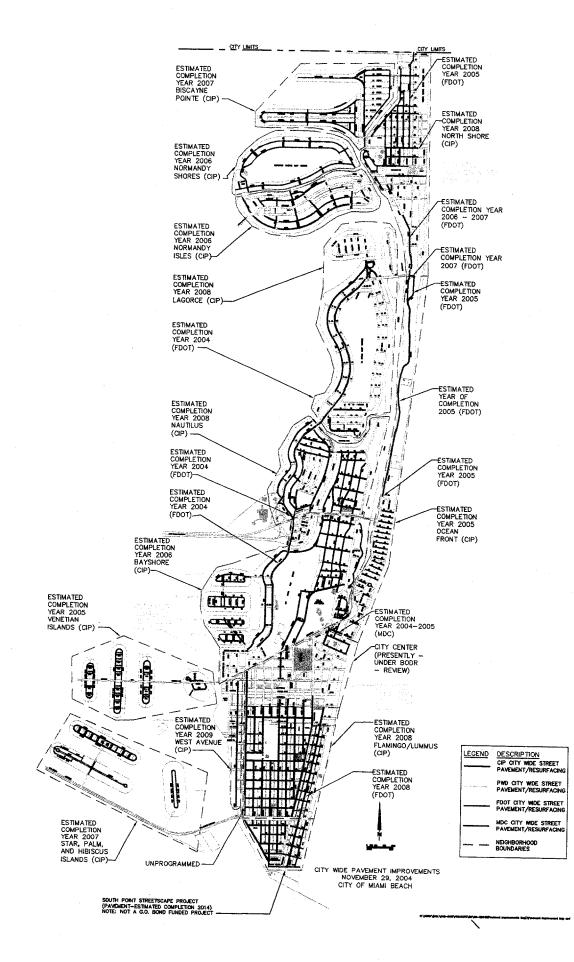
	FY 2003-04 PTP-Funded Projects	<u>Amount</u>	<u>Status</u>
0 0 0 0 0 0	Local Shuttle operating budget (required 20%) Washington Avenue Renovation Project Right-of-way improvements to 17 th Street Right-of-way improvements to Espanola Way Right-of-way improvements to Ocean Drive NB Neighborhood Bicycle Facility BODR Dade Blvd/Middle Beach Bike Facility BODR Technical Assistance to Transportation FY 2003-04 PTP funds appropriated YTD:	445,433 400,000 400,000 350,000 80,000 120,000 30,000 \$2,325,433	Fully expended Under construction Construction Estm. 01/05 Construction Estm. 04/05 Construction Estim. 04/05 2 rd Evaluation Comm. Mtng. 2 rd Evaluation Comm. Mtng. On-going
Pr	oposed appropriation for NB streets:	<u> 174,567</u>	Construction Estm. 03/05
To	otal FY 2003-04 PTP receipts & appropriations:	\$2,500,000	

The \$174,567 PTP fund balance needs to be appropriated, and a work order number issued prior to the end of this calendar year for the milling and resurfacing of Harding, Byron and Carlyle Avenues. Construction is tentatively scheduled for March 2005.

The Administration recommends approval.

JG/RM/FB/RH/AJ

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RESULUTION NO.	OLUTION NO.
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATION OF \$174,567 FROM THE MIAMI BEACH SHARE OF THE COUNTY'S FISCAL YEAR 2003-04 PEOPLES' TRANSPORTATION PLAN (PTP) FUNDS, FOR THE MILLING AND RESURFACING OF HARDING AVENUE, FROM 72ND TO 67TH STREETS, AND BYRON AND CARLYLE AVENUES, FROM 72ND STREET TO INDIAN CREEK DRIVE; AND FURTHER AUTHORIZING THE ISSUANCE OF A WORK ORDER NUMBER FOR PROJECT CONSTRUCTION.

WHEREAS, on January 1, 2002, Miami-Dade County began collecting proceeds from the voter-approved one-half cent on the sales tax to benefit eligible transit and transportation projects Countywide; and

WHEREAS, the Miami Beach pro-rata share of proceeds from this new source, known as People's Transportation Plan (PTP) Fund, is projected at \$2.5 million a year; and

WHEREAS, County Ordinance No. 02-116 requires that the annual municipal share be fully appropriated for eligible projects, prior to December 31st of each year; and

WHEREAS, previous FY 2003-04 City Resolutions have already appropriated \$2,325,433 in PTP funds for eight (8) eligible transit and transportation projects in Miami Beach; and

WHEREAS, a balance of \$174,567 in PTP funds has yet to be appropriated by the City, in order to match the \$2.5 million in receipts and meet County requirements; and

WHEREAS, the City wishes to utilize the \$174,457 fund balance to mill and resurface certain short street segments in North Beach, and establish a Work Order number for project construction.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the appropriation of \$174,567 from the Miami Beach share of the County's Fiscal Year 2003-04 People's Transportation Plan (PTP) Funds, for the milling and resurfacing of Harding Avenue from 72nd to 67th Streets, and Byron and Carlyle Avenues from Indian Creek Drive to 72nd Street; and further authorizing the issuance of a Work Order number for project construction.

PASSED AND ADOPTED, this the	day of	, 2004.
ATTEST:		, e pa
		APPROVED AS TO
CITY CLERK E-VMORK/\$TRA\AMELIA\SLIRTAX\PTP Funds for NB Roads-Re	MAYOR	FORM & LANGUAGE & FOR EXECUTION

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CITY OF MIAMI BEACH **COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution authorizing the execution of the attached Supplemental Joint Participation Agreement No. 3 with FDOT, awarding an additional \$50,000 in State funds for the Local Shuttle operations; appropriating such funds as part of the adopted FY 2004-05 Shuttle Budget; and further reducing by \$50,000 the Parking Fund contribution to the same budget.

Issue:

Shall the City execute a Supplemental JPA No. 3 with FDOT for Local Shuttle operations?

Item Summary/Recommendation:

Resolution No. 2004-25705, dated September 28, 2004, adopted the FY 2004-05 Operating Budget for the Local Shuttle Service, in the amount of \$2,058,935. The Administration recommends the execution of Supplemental JPA No. 3 and appropriation of its \$50,000 in additional FDOT funds as part of the current shuttle budget; amending the budget to reflect the funds and providing for a proportionate decrease in the Parking Fund contribution. No change in the total budget is requested at this time.

The FY 2004-05 Budget was prepared with an assumption of converting part of the shuttle fleet to diesel buses. As implementation of the bus acquisition has been delayed by negotiations with the County, savings associated with the bus change may not be realized. As such, it may be necessary to request an additional appropriation for this purpose, later in the fiscal year.

The Administration recommends approval of the Resolution.

Advison	, Doord	Recomme	ndation:
AUVISUL	y Dualu	Kecomme	nuauon.

N/A

Financial Information:

Source of		Amount	Account	Approved
Funds:	1	\$50,000 JPA	City account # to be established after JPA is fully executed.	
	2		Equal City matching funds already provided by Adopted Budget.	
	3 4			
Finance Dept.	Total	\$50,000 JPA		

City Clerk's Office Legislative Tracking:

Robert Halfhill

Sign-Offs:

Department Director **Assistant City Manager** City Manager

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

Members of the City Commission

www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Date: December 8, 2004

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA) NO. 3 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY, AWARDING \$50,000 IN FY 2004-05 TRANSIT DEVELOPMENT PROGRAM FUNDS FOR THE LOCAL SHUTTLE SERVICE; APPROPRIATING SUCH FUNDS AS PART OF THE FY 2004-05 SHUTTLE OPERATING BUDGET; AND FURTHER REDUCING BY \$50.000 THE PARKING FUND CONTRIBUTION TO THE SAME BUDGET.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Florida Department of Transportation (FDOT) has recently offered to transfer the remaining \$50,000 in FY 2004-05 Transit Development Funds to the City, for the Local Shuttle service. In order to receive these additional funds, the City is required to enter into a new Joint Participation Agreement (JPA) with FDOT.

Resolution No. 2004-25705, dated September 28, 2004, adopted the FY 2004-05 Operating Budget for the Local Shuttle service, in the amount of \$2,058,935. The budget funding and requested changes follow:

	Adopted 04-05	Amended 04-05
Miami Beach Parking Fund	\$1,000,000	\$ 950,000
Concurrency Mitigation Fund/South Beach	438,935	438,935
FY 2004-05 Transit Surtax (PTP) funds	500,000	500,000
Fund balance from 11/25/03 JPA with FDOT	40,000	40,000
Projected 2004-05 fare collection revenues	80,000	80,000
New FDOT contribution	0	50,000
Total	\$2,058,935	\$2,058,935

Actual FY 2003-04 shuttle operating cost was \$2,287,000.

The FY 2004-05 Shuttle Budget was predicated on utilizing ten (10) electric buses in the first six months, and six (6) diesel buses plus four (4) electric buses – 2 in rotation services, in the remaining six months. This strategy resulted in a budget that is \$228,047 (9%) smaller than FY2003/04 actual operating cost, due to reduced funding demands in the last six months of this fiscal year, such as:

- Six-month utilization of new/under warranty diesel buses;
- Reduced need for purchasing additional inventory, spare parts, and replacement battery sets for the electric vehicles;
- Reduced need for electric vehicle/battery maintenance services; and
- Reduced utilization of expensive propane fuel for the electric buses' AC systems, and electricity to charge batteries.

The City and Miami-Dade Transit (MDT) have been in discussions to transfer full responsibility for operating the Local Shuttle to the County but have not yet reached an agreement. Because of this, the City has deferred awarding the contract to Daimler-Chrysler for the purchase of the six diesel buses. If an agreement is reached, MDT will take several months to begin operations. This could result in the adopted budget of \$2,058,935 being insufficient to fund the anticipated maintenance services, inventory, spare parts, replacement batteries, and propane costs of electric bus operations beyond the planned 6 months. In the event that the adopted budget is insufficient, added funding will be requested from the City Commission later in the fiscal year.

The Administration recommends approval of the Resolution.

JG/RM/FB/RH/AJ

Attachment: Supplemental Joint Participation Agreement No. 3

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RESOL	UTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE THE **AND** CITY CLERK TO EXECUTE MAYOR SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 3 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY, AWARDING \$50,000 IN FY 2004-05 TRANSIT DEVELOPMENT PROGRAM FUNDS FOR THE LOCAL SHUTTLE SERVICE; APPROPRIATING SUCH FUNDS AS PART OF THE FY 2004-05 SHUTTLE OPERATING BUDGET; AND FURTHER REDUCING BY \$50,000 THE PARKING CONTRIBUTION TO THE SAME BUDGET.

WHEREAS, the Florida Department of Transportation (FDOT) is willing to allocate an additional \$50,000 in Transit Development Program Funds for the purposes of an enhanced portion of the Washington Route of the Local Shuttle Service; and

WHEREAS, the required equal local match to the additional FDOT funds is already amply provided by the \$1 million-plus City contribution to the FY 2004-05 Local Shuttle Operating Budget, adopted at \$2,058,935, by Resolution No. 2004-25705, dated September 28, 2004; and

WHEREAS, the \$50,000 in FDOT funds will become available to the City after the attached Supplemental Joint Participation Agreement (JPA) No. 3 is fully executed by both the City and FDOT;

WHEREAS, the additional FDOT contribution will be appropriated as part of the FY 2004-05 Shuttle Budget, while the Parking Fund contribution to same will be reduced by \$50,000; and

WHEREAS, in the event that the \$2,058,935 adopted budget is insufficient to cover all shuttle operating expenditures, added funding will be requested from the City Commission later in the fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Mayor and City Clerk to execute the attached Supplemental Joint Participation Agreement No. 3 between the Florida Department of Transportation and the City, awarding \$50,000 in FY 2004-05 Transit Development Program Funds for the Local Shuttle service; appropriating such funds as part of the FY 2004-05 Shuttle operating budget; and further reducing by \$50,000 the Parking Fund contribution to the same budget.

PASSED AND ADOPTED this the	day of	, 2004.
ATTEST:		
		APPROVED AS TO
CITY CLERK E-\WORK\\$TRA\AMFI IA\FDOT\\$50,000 JPA Shuttle Ops Reso.doc	MAYOR	FORM & LANGUAGE & FOR EXECUTION

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

725-030-07 PUBLIC TRANSPORTATION 07/02 Page 1 of 5

PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT Number THREE

Financial Project No.: 41229718401 (item-segment-phase-sequence) Contract No.: AL340	Fund: DS Function: 632 Federal No.: N/A	FLAIR Approp.: 088774 FLAIR Obj.: 750012 Org. Code: 55062020629 Vendor No.: F596000372005
Catalog of Federal Domestic Assistan	ce Number: N/A Catalog of State F	inancial Assistance Number: 55012
THIS AGREEMENT, made ar	nd entered into this day of	,,
by and between the STATE OF FLO	ORIDA DEPARTMENT OF TRANSPORTATION	, an agency of the State of Florida,
hereinafter referred to as the Depar	tment, and CITY OF MIAMI BEACH	
1700 CONVENTION CENTER DRIV	E, MIAMI BEACH, FL 33139	
hereinafter referred to as Agency.		
	WITNESSETH:	
WHEREAS, the Department	and the Agency heretofore on the 28th	day of March , 2002
entered into a Joint Participation Ag	reement; and	
WHEREAS, the Agency desir	es to accomplish certain project items as outlin	ed in the Attachment "A" appended
hereto; and		
WHEREAS, the Department of	desires to participate in all eligible items for this \$689,993.00	project as outlined in Attachment
	IDENTURE WITNESSETH: that for and in cons nereto agree that the above described Joint Par	

1.00 Project Description: The project description is amended

to provide additional operating assistance to the City of Miami Beach for enhanced base route ElectroWave shuttle bus service along Washington Blvd. from South Point Drive to 17th Street. Eligible project expenses include service provision and marketing (not to exceed 10% of grant project amount.) All other terms and conditions remain unchanged. State Participation Rate=50%.

725-030-07 PUBLIC TRANSPORTATION 07/02 Page 2 of 5

2.00 Floject Cost.	
Paragraph 3.00 of said Agreement is increased by \$	100,000.00
bringing the revised total cost of the project to \$ 1,379,986.00	•
Paragraph 4.00 of said Agreement is increased by \$	50,000.00
bringing the Department's revised total cost of the project to \$	689,993.00
3.00 Amended Exhibits:	
Exhibit(s) B o	f said Agreement is amended by Attachment "A".
4.00 Contract Time:	
Paragraph 18 00 of said Agreement March 28th, 2005	

725-030-07 PUBLIC TRANSPORTATION 07/02 Page 3 of 5

	Financial Project No. 41229718401
	Contract No. AL340
	Agreement Date
Except as hereby modified, amended or changed, all cand any subsequent supplements shall remain in full force an	
and any casesquent supplements commented	
IN WITNESS WHEREOF, the parties hereto have ca	used these presents to be executed, the day and year first
above written.	
AGENCY	FDOT
CITY OF MIAMI BEACH AGENCY NAME	See attached Encumbrance Form for date of Funding Approval by Comptroller
SIGNATORY (PRINTED OR TYPED)	LEGAL REVIEW DEPARTMENT OF TRANSPORTATION
SIGNATURE	DEPARTMENT OF TRANSPORTATION
	D6-Director, Planning and Public Transportation
TITLE	TITLE

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

Date

Financial Project	t No.	41229718401	
Contract No.	<u>AL340</u>		_
Agreement Date	e		

ATTACHMENT "A" SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL 33139
dated 3/28/2002

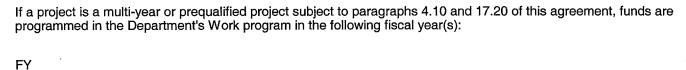
DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Additional state funding to continue enhanced bus service along Washington Avenue.

l. ,	Project Cost:	As Approved	As Amended	Net Change
		\$1,279,986.00	\$1,379,986.00	\$100,000.00
	Total Project Cost	\$1,279,986.00	\$1,379,986.00	\$100,000.00
i.	Fund Participation:	As Approved	As Amended	Net Change
	Department:	\$639,993.00	\$689,993.00	\$50,000.00
	Agency:	\$639,993.00	\$689,993.00	\$50,000.00
	Other:			\$0.00
	Total Project Cost	\$1,279,986.00	\$1,379,986.00	\$100,000.00

Comments:

[1]	MULTIVEARC	R PRECHALIELED	PROJECT FUNDING
111.	IVIUL II-YEAM U	ID PDEWUALIEIEU	EDUJECT FUNDING

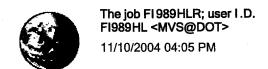


FY FY

FY

Project years may be advanced or deferred subject to Legislative appropriation or availabity of funds.

State participation in service began on March 28, 2002. Ending date adjusted to March 28,2005 to reflect statutory time limit on operating assistance.



To PT629EC@dot.state.fl.us

CC

bcc

Subject FUNDS APPROVAL/REVIEWED FOR CONTRACT AL340

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FUNDS APPROVAL

Contract #AL340 Contract Type: AH Method of Procurement: G Vendor Name: CITY OF MIAMI BEACH Vendor ID: VF596000372005 Beginning date of this Agmt: 03/28/02 Ending date of this Agmt: 03/28/05 Description: 41229718401. Supplemental Agreement No. 3 for operating assistance for enhanced base route Electrowave service. 50% State Participation ******************* ORG-CODE *EO *OBJECT *AMOUNT *FIN PROJECT *FCT *CFDA *BUDGET ENTITY *CATEGORY/CAT YEAR (FISCAL YEAR) AMENDMENT ID *SEQ. *USER ASSIGNED ID *ENC LINE(6S)/STATUS ******************* Action: SUPPLEMENTAL Funds have been: APPROVED 55 062020629 *PT *750012 * 50000.00 *41229718401 *632 * 2005 *55100300 *088774/05 S003 *00 * THREE *0004/04

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER

TOTAL AMOUNT: *\$ 50,000.00 *

DATE: 11/10/2004

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A resolution authorizing the City to enter into a HOME Investment Partnerships Agreement with the Miami Beach Community Development Corporation (MBCDC) to provide \$595,000 of FY 03/04 HOME Program Set Aside funds and \$505,000 from FY 03/04 HOME Program Income toward the cost of acquisition of the Villa Maria Apartments, located at 2800 Collins Avenue, Miami Beach, to provide 34 rental units for income-eligible participants in accordance with the HOME Program requirements.

Issue:

Shall the City enter into a HOME Investment Partnerships Agreement with the Miami Beach Community Development Corporation (MBCDC) to provide \$595,000 of FY 03/04 HOME Program Set Aside funds and \$505,000 from FY 03/04 HOME Program Income toward the cost of acquisition of the Villa Maria Apartments, located at 2800 Collins Avenue, Miami Beach, to provide 34 rental units for income-eligible participants in accordance with the HOME Program requirements?

Item Summary/Recommendation:

During November 2004, MBCDC entered into a purchase agreement for the Villa Maria Apartments located at 2800 Collins Avenue, Miami Beach. Miami Beach Community Development Corporation (MBCDC) is requesting to utilize \$595,000 FY03/04 HOME Program Community Housing Development Organization (CHDO) Set Aside funds in addition to \$505,000 FY03/04 HOME Program Income funds to acquire the Villa Maria Apartments. The building is configured into 34 apartments of which five are one-bedroom units and 29 are efficiency units. The building is under a Project Based Section 8 contract with US.HUD and Miami Beach Housing Authority that will expire in the year 2012. The residents are all elderly; most of them have been living in this building for close to 20 years. The building is in need of major rehabilitation, and has received several code violation notices from the City. There are also structural problems that will need to be addressed. The total cost of repairing the building is estimated at \$2,238,390. Residents will remain during the rehabilitation and no residents will be displaced.

Advisory Board Recommendation:

On December 3, 2004, the Loan Review Committee (LRC) reviewed and recommended approval by the City Commission for MBCDC to be awarded \$595,000 of FY 03/04 HOME Program Set Aside funds and \$505,000 from FY 03/04 HOME Program Income toward the cost of acquisition of the Villa Maria Apartments, located at 2800 Collins Avenue, Miami Beach, to provide 34 rental units for income-eligible participants in accordance with the HOME Program requirements.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1	\$595,000	151.5232	
HOME	2	505,000	151.5232	
Program	3			
1 Togram	4			
inance Dept.	Total	\$1,100,000		

City	Clerk's	Office	Legislative	Tracking:
,			LUMISIALIVE	Hacking

Vivian P. Guzmán	

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mymmum	1/2	AL.

AGENDA ITEM <u>C73</u>
DATE <u>12-8-04</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager <

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT WITH THE MIAMI BEACH COMMUNITY DEVELOPMENT CORPORATION (MBCDC) PROVIDING \$595,000 OF FISCAL YEAR 2003/04 HOME PROGRAM SET ASIDE FUNDS AND \$505,000 FISCAL YEAR 2003/04 HOME PROGRAM INCOME FUNDS FOR THE ACQUISITION OF THE VILLA MARIA APARTMENTS, LOCATED AT 2800 COLLINS AVENUE, MIAMI BEACH, TO PROVIDE 34 RENTAL UNITS FOR INCOME-ELIGIBLE PARTICIPANTS IN ACCORDANCE WITH THE HOME PROGRAM

REQUIREMENTS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

During November 2004, Miami Beach Community Development Corporation (MBCDC) entered into a purchase agreement for the Villa Maria Apartments located at 2800 Collins Avenue, Miami Beach. MBCDC has requested and the City is allocating \$1.1 million for the purchase of said building. The funding is as follows: \$595,000 FY03/04 HOME Program Community Housing Development Organization (CHDO) Set Aside funds in addition to \$505,000 FY03/04 HOME Program Income funds to acquire the Villa Maria Apartments. MBCDC is the City's designated CHDO and these funds are earmarked specifically for them and assigned through the City's One Year Action Plan. The HOME Program Income fund is funding that becomes available once a HOME financed condominium, home or building is sold and the funds are recaptured by the City. The allocation of \$505,000 in program income funding to the MBCDC project will leave a balance of approximately \$200,000 in the HOME Program Income which is available to housing providers for other projects. Additional funding may become available as other HOME funded projects are sold.

Additional financing will be used in the acquisition of the Villa Maria Apartments. MBCDC is securing the additional funding through the State and Miami-Dade County. The purchase price is \$2,600,000.

Page 2 of 2 Commission Memorandum December 8, 2004

The property consists of approximately 18,052 square feet. The building is configured into 34 apartments of which five are one-bedroom units and 29 are efficiency units. The building is under a Project Based Section 8 contract with US HUD and Miami Beach Housing Authority that will expire in the year 2012. The residents are all elderly; most of them have been living in this building for close to 20 years. The building is in need of major rehabilitation, and has received several code violation notices from the City. There are also structural problems that will need to be addressed. An engineering report estimating rehabilitation costs at \$2,238,390 which include rendering the building structurally sound has been prepared by Pistorino & Alam Consulting Engineers, Inc. Residents will remain during the rehabilitation and no residents will be displaced.

On December 3, 2004, the Loan Review Committee reviewed and recommended approval by the City Commission for MBCDC to award HOME Program funds.

The Administration recommends that the Mayor and City Commission authorize the Mayor and City Clerk to execute the attached HOME Investment Partnerships (HOME) Program Agreement with the Miami Beach Community Development Corporation (MBCDC) providing \$595,000 FY03/04 HOME Program CHDO Set Aside funds in addition to \$505,000 FY03/04 HOME Program Income funds for the rehabilitation of the Villa Maria Apartments, located at 2800 Collins Avenue, Miami Beach, to provide 34 rental units for income-eligible participants in accordance with the HOME Program requirements.

JMG/7PG/TU/EJB
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RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



A Resolution authorizing the appropriation and expenditure of \$45,000 from Resort Tax Funds in support of the 2004-2005 New Year's Celebration.

lssue:

Shall the City Commission authorize the appropriation and expenditure of \$45,000 from Resort Tax?

Item Summary/Recommendation:

The purpose of this memorandum is to provide the Mayor and Commission with an update regarding the New Year's holiday from, Friday, December 31, 2004 through Tuesday, January 4, 2005 (Orange Bowl Championship Game).

Similar to the prior 4 years, the Ocean Drive Association has approached the City to request participation and sponsorship of a free Fireworks show on the beach east of Lummus Park at midnight on New Year's Eve. Furthermore, Ocean Drive is requesting a street closure to vehicular traffic beginning the morning of Friday, December 31 and will reopen on Monday, January 3 at 7:00 a.m. This street closure will be for an extended period of time, compared with prior years, but is supported due to the unique nature of the New Year's Eve weekend coupled with the College Football Championship Game. In the past, the City has assisted in defraying costs, primarily associated with the fireworks show for the public and other ancillary City services.

It is estimated that this year's costs will be well in excess of the prior years' costs due to the prolonged street closure request. Consistent with last year's proportionate share of costs, albeit at a much greater level due to the combined New Year's Eve and Championship game weekend, it is recommended that an allocation of costs in the amount of \$45,000 be approved at this greater level due to the unique circumstances as detailed in the attached memo.

It is important to stress that due to the length of time that Ocean Drive is to be closed, the City Police Department may not be able to fill the required staffing positions to effectuate the street closure during this extended period. The Police Department will be implementing a modified Alpha/Bravo staffing schedule beginning Friday, December 31st through Sunday January 2nd. This staffing will limit the number of officers available to work off-duty and to ensure public safety throughout the holiday weekend. If off duty is unavailable, the scope or duration of the proposed street closure may have to be further limited or restricted.

Advisory Board Recommendation:

N/A

Financial Information:

Source of		Amount	Accoun	t	Approved
Funds:	1				
	2				
	3				
	4				
Finance Dept.	Total				

City Clerk's Office Legislative Tracking:

Christina M. Cuervo

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	AUC	ac

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AGENDA ITEM C7K

DATE 12-8-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 8, 2004

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez Official

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF

MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF \$45,000 FROM RESORT TAX FUNDS IN SUPPORT OF

THE 2004-2005 NEW YEAR'S CELEBRATION.

RECOMMENDATION

Adopt the Resolution

ANALYSIS

The purpose of this memorandum is to provide the Mayor and Commission with an update regarding the New Year's holiday from, Friday, December 31, 2004 through Tuesday, January 4, 2005 (Orange Bowl Championship Game).

Similar to the prior 4 years, the Ocean Drive Association (ODA) has approached the City to request participation and sponsorship of a free Fireworks show on the beach east of Lummus Park at midnight on New Year's Eve. Furthermore, ODA has requested to close Ocean Drive to vehicular traffic beginning the morning of Friday, December 31 and will reopen on Monday, January 3 at 7:00 a.m.

While several special events permits have been issued primarily at private venues, no significant crowd attracting event is planned. Additionally, many Miami Beach nightclubs and hotels will be hosting special New Years events.

The City and Ocean Drive Association have also been working with ESPN's Game Day and ABC Productions to coordinate live and tape broadcasts from Lummus Park at 10 Street. These two productions will be on Ocean Drive from December 31, 2004 – January 4, 2005. All aspects of these productions will be coordinated with the Police Department and the proposed Ocean Drive Street closure.

The City has been working diligently with the area hotels and nightclubs to ensure that resources and security are appropriately allocated for this weekend.

Proposed Ocean Drive Street Closure

Because New Year's Eve is on a Friday evening and the Orange Bowl is the Championship game, the anticipated occupancy levels in Miami Beach are expected to be at full capacity. As a result, the Ocean Drive Association anticipates many visitors, and similar to prior years, is requesting consideration for a street closure throughout the weekend. This street closure will be for an extended period of time, compared with prior years, but is supported

December 8, 2004 City Commission Memorandum New Year's Eve 2004-2005 Page 2 of 3

due to the unique nature of the New Year's Eve weekend coupled with the College Football Championship Game.

In the past, the City has assisted in defraying costs, primarily associated with the fireworks show for the public and other ancillary City services. In2003, the City allocated \$22,752 of the total cost of \$50,252 to sponsor the fireworks show and other associated staffing costs. Similarly, in 2002, the City allocated under \$25,000 to support the New Years weekend fireworks and street closure.

It is estimated that this year's costs will include the following enhanced City services, well in excess of the prior years' costs due to the prolonged street closure request. Consistent with last year's proportionate share of costs, albeit at a much greater level due to the combined New Year's Eve and Championship game weekend, it is recommended that the allocation of costs be approved at this greater level due to the unique circumstances, as follows:

\$39,616.00
\$25,319.00
\$25,000.00
\$7,685.40
<u>\$6,624.00</u>
\$104,244.40
\$59,244.40
\$45,000.00

It is important to stress that due to the length of time that Ocean Drive is to be closed, the City Police Department may not be able to fill the required staffing positions to effectuate the street closure during this extended period. The Police Department will be implementing a modified Alpha/Bravo staffing schedule beginning Friday, December 31st through Sunday January 2nd. This staffing will limit the number of officers available to work off-duty and to ensure public safety throughout the holiday weekend. If off duty is unavailable, the scope or duration of the proposed street closure may have to be further limited or restricted.

Transportation and Parking

Ocean Drive (5th – 15th streets) will be closed to vehicular traffic beginning the morning of Friday, December 31 on New Year's Eve until 7:00 a.m., Monday, January 3rd.

Shuttle service will be available beginning at 6:00 p.m. on December 31 through 5:00 a.m. January 1. Bus shuttles will operate along Washington Avenue. The special service would be free during this special service time. Regular shuttle operations would resume on New Year's Day at 10:00 a.m.



December 8, 2004 City Commission Memorandum New Year's Eve 2004-2005 Page 3 of 3

The following is the Parking/Park-n-Ride plan (4,200 spaces flat parking rate) for December 31:

Miami Beach – 7th Street Garage (\$10), 12th Street Garage (\$8) and 16th Street Garage (\$10). The following locations' rates include parking and free shuttle: 17th Street Garage (\$5); 17th Street lot (\$5) and the Preferred lot (\$2). Electrowave shuttles will provide services from 4:00 p.m. to 5:00 a.m. For more information on the Electrowave, call 305-535-9160.

Contingency plans will be developed to address any need to alter transportation plans as a result of increases in population and crowd estimates.

Business/Residents Notices

A community notice will be disseminated to area residents and the entertainment district businesses advising them of the City's traffic plans and information Hotline.

Police/Fire/Parking/Sanitation/Code Staffing

Enhanced staffing levels will be provided during the New Year's weekend. Police and Fire staff will be available on the beach during the fireworks show on New Year's Eve to be able to respond to on-site incidents.

Information Hotline

A 24-hour information hotline (305-673-7400) will be in operation. For further information, go to the City's website at www.miamibeachfl.gov.

JMG\CMC\rar

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RESOL	LUTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF \$45,000 FROM RESORT TAX FUNDS IN SUPPORT OF THE 2004-2005 NEW YEAR'S CELEBRATION.

WHEREAS, similar to the prior four (4) years, the Ocean Drive Association has approached the City to request participation and sponsorship of a free fireworks show on the beach east of Lummus Park at midnight on New Year's Eve; and Ocean Drive will be closed to vehicular traffic beginning the morning of Friday, December 31 and will reopen on Monday, January 3 at 7:00 a.m.; and

WHEREAS, while several special events permits have been issued primarily at private venues, no significant crowd attracting event is planned; and many Miami Beach nightclubs and hotels, which will be hosting special New Years events, will be extending their hours of operation from 5:00 a.m. to 7:00 a.m.; and

WHEREAS, the City and Ocean Drive Association have also been working with ESPN's Game Day and ABC Productions to coordinate live and tape broadcasts from Lummus Park at 10 Street and these two productions will be on Ocean Drive from December 31, 2004 – January 4, 2005; and

WHEREAS, all aspects of these productions will be coordinated with the Police Department and the proposed Ocean Drive Street closure; and

WHEREAS, the City has been working diligently with the area hotels and nightclubs to ensure that resources and security are appropriately allocated for this weekend; and

WHEREAS, due to the advent that this year New Year's Eve is on a Friday evening and the Orange Bowl is the Championship game, the anticipated occupancy levels in Miami Beach are expected to be at full capacity, and as a result, the Ocean Drive Association anticipates many visitors, and similar to prior years, is requesting consideration for a street closure throughout the weekend; and

WHEREAS, this street closure will be for an extended period of time, compared with prior years, but is supported due to the unique nature of the New Year's Eve weekend coupled with the College Football Championship Game; and

WHEREAS, in the past, the City has assisted in defraying costs, primarily associated with the fireworks show for the public and other ancillary City services; last year in 2003, the City allocated \$22,752 of the total cost of \$50,252 to sponsor the fireworks show and other associated staffing costs; and similarly, in 2002, the City allocated under \$25,000 to support the New Years weekend fireworks and street closure; and



NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, authorize the appropriation of \$45,000 from Resort Tax Funds in support of the 2004-2005 New Year's celebration.

PASSED and ADOPTED this 8th day of December, 2004.

ATTEST:	
CITY CLERK	MAYOR

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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